

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES,  
OF THE  
STATE OF NEW HAMPSHIRE,  
AT THEIR SESSION  
HOLDEN AT THE CAPITOL IN CONCORD,

COMMENCING

WEDNESDAY, JUNE 3, 1840.

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ДАИНОВ

АКТ 40

HOUSE OF REPRESENTATIVES

АКТ 40

STATE OF NEW HAMPSHIRE

МОИСЕЙ МИЧИ ТА

ДРОЖКОВЪ СОЛТАС ИНТ ТА АНОЛО

КОММЕНТИРИВАНИЯ

ДОБРЫХ ПОДСКАЗОВЪ

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КОММЕНТИРИВАНИЯ

ДОБРЫХ ПОДСКАЗОВЪ

ДОБРЫХ

# JOURNAL

## OF THE

# HOUSE OF REPRESENTATIVES,

ROCKINGHAM COUNTY.

JUNE SESSION, 1840.

WEDNESDAY, JUNE 3, 1840.

A quorum of the whole number of Representatives elected in the several towns and districts of the State of New-Hampshire, being convened in the Capitol at Concord, in said State, on the first Wednesday of June, A. D. 1840, His Excellency the Governor attended by the Honorable Council, came into the Representatives Hall, and the following gentlemen presented their credentials, and were duly qualified as members of the House of Representatives, agreeably to the constitution, namely,—

### FROM ROCKINGHAM COUNTY.

Atkinson, Henry Knight,  
Brentwood, Jonathan Robinson,  
Candia, Joseph Richardson,  
Chester, David Currier,  
Isaac Tompkins,  
Dennville & Sandown, Thomas Cotton,  
Deerfield, Ira St. Clair,  
Benjamin Jenness,

Derry, John T. G. Dinsmoor,  
Thornton Betton,  
East Kingston, Charles Sanborn,  
Epping, Dudley Freese,  
Exeter, Samuel Hatch,  
Nathaniel Gilman, Jr.  
Greenland, Thomas J. Berry,  
Hampstead, Warren L. Lane,

<i>Hampton</i> , Amos Towle, Jr.	<i>Poplin</i> , Perley Robinson,
<i>Hampton Falls</i> , George H. Dodge,	<i>Portsmouth</i> , Richard Jenness,
<i>Kensington</i> , John T. Blake,	Sampson B. Lord,
<i>Kingston</i> , Calvin Thayer,	Nehemiah Moses,
<i>Londonderry</i> , Reuben White,	Samuel Langdon,
<i>New Castle</i> , George Vennard,	James H. Kelsey,
<i>Newington</i> , John M. Furber,	Thomas P. Treadwell,
<i>New Market</i> , William W. Stickney,	<i>Raymond</i> , Samuel Poor,
George O. Hilton,	<i>Rye</i> , Ames S. Jenness,
<i>Newtown</i> , Elijah R. Currier,	<i>Salem</i> , John H. Thompson,
<i>North Hampton</i> , James Batchelder,	<i>Seabrook</i> , Benjamin F. Brown,
<i>Northwood</i> , Edson Hill,	<i>South Hampton</i> , Nathan Brown,
<i>Nottingham</i> , John Crawford,	<i>Stratham</i> , George B. Fifield,
<i>Plaistow</i> , James G. George,	<i>Windham</i> , Samuel W. Simpson,

## FROM STRAFFORD COUNTY.

<i>Albany &amp; Chatham</i> , Russel Charles,	<i>Madbury</i> , Samuel Davis, Jr.,
<i>Alton</i> , Jonathan P. Hill,	<i>Meredith</i> , Joseph Ela,
James McDuffie 3d.,	Abel B. Eastman,
<i>Barnstead</i> , Joseph A. Walker,	<i>Milton</i> , James Berry,
Joseph Jenkins,	<i>Middleton</i> , David D. Frost,
<i>Barrington</i> , George McDaniel,	<i>Moultonborough</i> , Thomas Shannon,
<i>Brookfield</i> , Thomas Burleigh,	<i>New Durham</i> , Nathaniel Locke,
<i>Centre Harbor</i> , Jacob Libbey,	<i>New Hampton</i> , Nathaniel Norris,
<i>Conway</i> , Samuel Thom,	<i>Ossipee</i> , (None.)
<i>Dover</i> , Thomas E. Sawyer,	<i>Rochester</i> , Algernon S. Howard,
Oliver S. Horn,	John Witham,
Jonas D. Townsend,	<i>Sandbornton</i> , Daniel Taylor,
Samuel Drew,	William Durgin,
<i>Darham</i> , Samuel Burnham,	John Curry,
<i>Eaton</i> , Artemas Harmon,	<i>Strafford</i> , Paul Perkins,
<i>Effingham</i> , Jonathan Wedgewood,	Elisha Weeks,
<i>Farmington</i> , Jeremiah Dame,	<i>Sandwich</i> , Paul Wentworth,
<i>Freedom</i> , Elias Towle,	William Randall,
<i>Gilford</i> , Ebenezer S. Lawrence,	<i>Somersworth</i> , William E. Griffin,
Samuel G. Sanborn,	Jacob Morrill,
<i>Gilmanton</i> , Thomas Durrell,	<i>Tamworth</i> , Obed Hall,
Nathaniel Edgerly,	<i>Tuftonborough</i> , Abel Haley,
Jeremiah Leavitt,	<i>Wakefield</i> , Amasa Copp,
<i>Lee</i> , Samuel G. Wilson,	<i>Wolfeborough</i> , Thomas L. Whitton,
	Benjamin F. Thompson,

## FROM MERRIMACK COUNTY.

<i>Allenstown</i> , John Perkins,	Imri Woods,
<i>Andover</i> , Benjamin F. Scribner,	<i>Hooksett</i> , Richard H. Ayer,
<i>Boscawen</i> , Simeon B. Little,	<i>Hopkinton</i> , Joseph Barnard,
Joseph Morrill,	Joab Patterson,
<i>Bow</i> , William Messer,	<i>Loudon</i> , Jonathan Garland,
<i>Bradford</i> , Bartholomew Smith,	<i>Newbury</i> , Simeon Stevens,
<i>Canterbury</i> , David Morrill,	<i>New London</i> , John T. Russell,
<i>Chichester</i> , Jeremy N. C. Leavitt,	<i>Northfield</i> , Asa P. Cate,
<i>Concord</i> , Moses Shute,	<i>Pembroke</i> , (None),
Abiel C. Carter,	<i>Pittsfield</i> , Moses Norris, Jr.,
Jacob Hoit,	<i>Salisbury</i> , True George,
<i>Dunbarton</i> , Warren Perley,	<i>Sutton</i> , Enoch Page,
<i>Epsom</i> , James Martin,	<i>Warner</i> , Abner Watkins,
<i>Franklin</i> , Henry Burley,	Asa Pattee,
<i>Henniker</i> , Daniel C. Gould,	<i>Wilmot</i> , Morrill Currier,

## FROM HILLSBOROUGH COUNTY.

<i>Amherst</i> , Andrew Wallace,	<i>Merrimack</i> , Francis Odell,
<i>Antrim</i> , Jacob Whittemore,	<i>Milford</i> , Humphrey Moore,
<i>Bedford</i> , John French,	<i>Mont Vernon</i> , Nathaniel Bruce,
<i>Brookline</i> , Ensign Bailey,	<i>Nashua</i> , George Y. Sawyer,
<i>Deering</i> , Robert Goodale,	Isaac Spaulding,
<i>Francestown</i> , Paul H. Bixby,	Albin Beard,
<i>Goffstown</i> , Moses Poor,	Josephus Baldwin,
Benjamin Stevens, 2d.,	<i>New Boston</i> , Asa McMillen,
<i>Greenfield</i> , William Whittemore,	<i>New Ipswich</i> , Jeremiah Smith,
<i>Hancock</i> , David Patten,	<i>Pelham</i> , Jesse Gibson,
<i>Hillsborough</i> , Albert Baker,	<i>Peterborough</i> , William Moore,
Elijah Munroe,	Timothy K. Ames,
<i>Hollis</i> , Leonard Farley,	<i>Sharon</i> , John McCoy,
<i>Hudson</i> , Jabez P. F. Cross,	<i>Society Land</i> } James S. Burtt,
<i>Litchfield</i> , Joshua Marsh,	& <i>Windsor</i> , }
<i>Lyndeborough</i> , Daniel N. Boardman,	<i>Temple</i> , Nathan Wheeler,
<i>Manchester</i> , Charles Stark,	<i>Weare</i> , Jesse Whittaker,
George W. Morrison,	William Woodbury,
<i>Mason</i> , Ebenezer Hill,	<i>Wilton</i> , Abraham Whittemore,

## FROM CHESHIRE COUNTY.

<i>Alstead</i> , Joseph Kingsbury,	Asa Hamilton,
<i>Chesterfield</i> , Oscar Coolidge,	<i>Dublin</i> , Rufus Piper,

<i>Fitzwilliam</i> , Amos A. Parker,	<i>Roxbury</i> , Peter D. Buckminster,
<i>Gilsum</i> , David M. Smith,	<i>Stoddard</i> , Asa Copeland,
<i>Hinsdale</i> , Erastus Dickinson,	<i>Sullivan</i> , Rufus Mason,
<i>Jaffrey</i> , Samuel Patrick,	<i>Surry</i> , Peter Hayward,
<i>Keene</i> , James Wilson,	<i>Swanzey</i> , Leonard Whitecomb,
Levi Chamberlain,	<i>Troy</i> , Abel Baker,
<i>Marlborough</i> , James Batchelder,	<i>Walpole</i> , Henry S. Tudor,
<i>Marlow</i> , Bennett Palmer,	William Bellows,
<i>Nelson</i> , Rufus Atwood,	<i>Westmoreland</i> , Timothy Hoskins,
<i>Richmond</i> , Jarvis Weeks,	<i>Winchester</i> , Asahel H. Bennett,
<i>Rindge</i> , Joshua Converse,	Asahel J. Humphrey,

## FROM SULLIVAN COUNTY.

<i>Acworth</i> , Joseph G. Silsby,	<i>Langdon</i> , Gibson Walker,
<i>Charlestown</i> , Seth Meacham,	<i>Lempster</i> , Daniel M. Smith,
<i>Claremont</i> , John H. Warland,	<i>Newport</i> , Alvin Hatch,
Godfrey Stevens,	Josiah Forsaith,
James H. Brigham,	<i>Springfield</i> , Orra C. Howard,
<i>Cornish</i> , Henry Breck,	<i>Unity</i> , Caleb Judkins,
<i>Croydon</i> , John Putnam,	<i>Washington</i> , Martin Chase,
<i>Goshen</i> , Olivet Willey,	<i>Wendell</i> , Daniel George, Jr.,
<i>Grantham</i> , Samuel Bean,	

## FROM GRAFTON COUNTY.

<i>Alexandria</i> , William Locke,	<i>Haverhill</i> , Samuel Swasey,
<i>Bath</i> , John H. Carbee,	Samuel Smith,
<i>Bethlehem</i> , Daniel Wilcomb,	<i>Hebron</i> , Enos Ferrin,
<i>Bridgewater</i> , Abram P. Hoitt,	<i>Hill</i> , Jonathan Dickerson,
<i>Bristol</i> , Samuel C. Brown,	<i>Holderness</i> , Russell Cox,
<i>Campton</i> , Otis Winter,	<i>Landaff</i> , Rufus Noyes,
<i>Canaan</i> , William P. Weeks,	<i>Lebanon</i> , Isaac Allen,
<i>Coventry</i> , James J. Page,	George H. Lathrop,
<i>Danbury</i> , John S. Rand,	<i>Lisbon</i> , Levi Parker,
<i>Dorchester</i> , Jeremiah Blodgett,	<i>Littleton</i> , Ezra Parker,
<i>Enfield</i> , Thomas Merrill,	George W. Ely,
<i>Franconia &amp; Lincoln</i> , Clark Knapp,	<i>Lymun</i> , Herod Stevens,
<i>Grafton</i> , Cyrus Adams,	<i>Lyme</i> , Arthur Latham, Jr.,
<i>Graton</i> , Albert G. Cheney,	<i>Orange</i> , Henry McGrath,
<i>Hanover</i> , Daniel Blaisdell,	<i>Orford</i> , Henry S. Perrin,
Isaac Fellows,	

WEDNESDAY, JUNE 3, 1840.

*Peeling & Ellsworth,* { Benjamin M. Barron,      *Rumney, Josiah Quincy,*  
*Piermont, Moses Learned,*      *Thornton, Mark Whiddon,*  
*Plymouth, Arthur L. Webster,*      *Warren, Jesse Little,*  
    *Wentworth, John F. A. Peabody,*

FRGM COOS COUNTY.

*Bartlett, Joseph Pitman,*      *Lancaster, John S. Wells,*  
*Colebrook, Benjamin Whittemore,*      *Milan, Stark, & Dummer,* { Aaron J. Smith,  
*Columbia, Moody Dustin,*      *Shelburn, Shelburn's Addition, Success & Berlin,* { Daniel Green,  
*Carroll, Thomas Smith,*      *Stratford and Northumberland,* { Abijah S. French,  
*Dalton, Aaron Ballou,*      *Whitefield, Simeon Warner,*  
*Errol, Clarksville,*      *Jefferson, Kilkenny,*  
*Dixville, Millfield, & Indian Stream,* { Josiah A Young, *Stewartstown, Jonathan Young,*  
*Jackson & Heart's Location,* { Joseph Perkins, *Northumberland, Simeon Warner,*  
& *Pinkham's Grant,*      *Randolph, Nash, & Sawyer's Location,* { Robert Tuttle,

His Excellency the Governor and the Honorable Council then withdrew.

The House was called to order by David H. Collins, Clerk of the House, the last year.

On motion of Mr. Baker of Hillsborough,

The House proceeded to the choice of Chairman, and Richard H. Ayer was elected and took the Chair accordingly.

On motion of Mr. Treadwell,

The House proceeded to the choice of Speaker, and the Hon. Moses Norris Jr. was elected.

On motion of Mr. Quincy,

The House proceeded to the choice of Clerk, and Harry Hibbard of Bath was elected.

On motion of Mr. Weeks of Canaan,

The House proceeded to the choice of Assistant Clerk, and Albert G. Allen of Salisbury was elected.

Harry Hibbard and Albert G. Allen appeared, and were sworn to the faithful discharge of the duties of their respective offices.

A message from the Senate by their Clerk:

"Mr. Speaker,—I am directed to inform the House of Representatives that the Senate have assembled, have elected the Hon. James B. Creighton, President, Asa Fowler, Clerk and Peter

Sanborn, Assistant Clerk, and are now ready to proceed to the business of the session.

The Senate have passed a resolution adopting the joint rules of the two branches of the Legislature for the year 1839 for the present year, or until otherwise ordered, in which they ask the concurrence of the House.

On motion of Mr. Quincy,

*Resolved*, That the House concur therein.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Hoitt of Bridgewater—

*Resolved*, That a committee be appointed to nominate two suitable persons to serve as door-keepers of the House for the present session.

*Ordered*, That Messrs. Hoit of Bridgewater, Latham and Leavitt of Chichester, be the committee.

On motion of Mr. Blake of Kensington—

*Resolved*, That when the House adjourn in the forenoon, it adjourn to meet at three o'clock in the afternoon, and that when it adjourn in the afternoon, it adjourn to meet at ten o'clock the next morning until otherwise ordered.

On motion of Mr. Dodge—

*Resolved*, That a committee of three be appointed to extend an invitation to the several Clergymen in this place to officiate as Chaplains for this House alternately during the present session, and that prayers be attended in the Representative's Hall at a quarter before ten o'clock in the forenoon of each day during the session.

*Ordered*, That Messrs. Dodge, Hoskins and Hill of Northwood be this committee.

On motion of Mr. Betton—

*Ordered*, That the rules adopted at the last session of the Legislature for the government of the House, be adopted for the present session until otherwise ordered.

On motion of Mr. Ayer—

*Resolved*, That information be given to the Honorable Senate, that the House of Representatives have assembled, have chosen the Hon. Moses Norris, jr., Speaker; Harry Hibbard, Clerk; Albert G. Allen, Assistant Clerk, and are ready to proceed to the business of the session.

*Ordered*, That the Clerk communicate the same to the Senate.

On motion of Mr. Treadwell—

The House adjourned.

## AFTERNOON.

On motion of Mr. Smith of Bradford—  
*Resolved*, That a committee be appointed to prepare and report rules for the government of the House the present session.

*Ordered*, That Messrs. Smith of Bradford, Stickney of New Market, and Baker of Hillsborough be the committee.

On motion of Mr. Gould—

*Resolved*, That a committee be appointed on the part of the House with such as the Senate may join to wait upon His Excellency the Governor, and inform him that a quorum of both branches of the Legislature have assembled, are organized and ready to receive any communication he may be pleased to make.

*Ordered*, That Messrs. Ayer, Sawyer of Dover and Gould be this committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Hill of Alton—

*Resolved*, That the House are now ready to meet the Senate in Convention for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.

Clark Knapp of Franconia, having been duly qualified as a Representative from that town, was introduced by the Secretary of State and took his seat.

*Ordered*, That the Clerk inform the Senate thereof.

## IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall, the Secretary of State came in and laid before the Convention the returns of votes for Governor from the several towns and places in this State, and also the returns of votes for Counsellors in the several Counsellor Districts in this State.

On motion of Mr. Adams of the Senate—

The Convention proceeded to open, read and record the returns of votes for Governor from the several towns and places in this State, and completed the same.

On motion of Mr. Adams of the Senate—

*Resolved*, That a committee be appointed to receive and sort the votes for Governor, count and cast their numbers, and report thereon.

*Ordered*, That Messrs. Johnson of the Senate, Jenness of Portsmouth and Bennett of Winchester, of the House, be the committee.

On motion of Mr. Goodhue—

The Convention rose and the Senate withdrew.

On motion of Mr. Whittemore of Antrim—

The House adjourned.

## THURSDAY, JUNE 4, 1840.

William Whittemore of Greenfield, and Asahel H. Bennett of Windsor, having been duly qualified as Representatives from those towns, were introduced by the Secretary of State and took their seats.

A message from the Senate by their Clerk :

“ Mr. Speaker—I am directed to inform the House of Representatives that the Senate concur with the House in the passage of a resolution appointing a joint select committee to wait upon His Excellency the Governor, and inform him of the organization of the Legislature, and have on their part joined Mr. Goodhue.”

On motion of Mr. Wentworth—

*Resolved*, That the House are now ready to meet the Senate in Convention for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hoitt of Bridgewater, from the select committee appointed to nominate two suitable persons for door-keepers of the House, the present session, by leave of the House reported the following resolution—

*Resolved*, That Atkinson Webster and Aaron Carter be door-keepers of the House for the the present session.

And the question being put—

Shall the resolution be adopted ?

It was decided in the affirmative.

## IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution—

Mr. Johnson of the Senate, from the committee appointed to receive the returns of votes for Governor from the several towns and places in this State, with instructions to sort and count the same and cast their numbers,

## REPORTED,

That the whole number of votes returned is	50,799
Necessary to a choice,	25,400
Estimated as scattering,	562
Hon. Enos Stevens has	20,716
His Excellency John Page has	29,521
and is duly elected Governor of the State of New Hampshire	
for the ensuing political year.	

The votes of the following towns, viz. Hudson, for John Page 138, Enos Stevens 78; Tamworth, for John Page 141, Enos Stevens 72, George Kent 68; Middleton, for John Page 63, Enos Stevens 31; Holderness, for John Page 154, Enos Stevens 130, all included in the above estimate, were not received by the Secretary of State within the time prescribed by the Constitution.

No return has been received from the town of Northwood in the county of Rockingham."

On motion of Mr. Treadwell—

*Resolved*, That the foregoing report be accepted.

On motion of Mr. Adams of the Senate—

The Convention proceeded to open, read and record the returns of votes for Counsellors from the several Counsellor Districts in this State, and completed the same.

On motion of Mr. Brown of the Senate—

*Resolved*, That a committee be appointed to receive and sort, the votes for Counsellors, count and cast their numbers and report thereon.

*Ordered*, That Messrs. Comersford of the Senate, Gilman of

Exeter and Randall of Sandwich, on the part of the House, be the committee.

On motion of Mr. Adams of the Senate—

The Convention rose and the Senate withdrew.

On motion of Mr. St. Clair—

*Resolved*, That a select committee of ten be appointed on the part of the House of Representatives, with such as the Senate may join, to wait upon the Governor elect to inform him of his election, and that the Legislature will be ready to receive any communication which he may be pleased to make.

*Ordered*, That Messrs. St. Clair, Chamberlain, Whittemore of Wilton, Warner of Whitefield, Sawyer of Nashua, Bean of Grantham, Thom, Barnard of Hopkinton, Shannon and Whitcomb of Swanzey, be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk :

“Mr. Speaker—The Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to wait upon the Governor elect to inform him of his election, and that the Legislature will be ready to receive any communication he may be pleased to make, and have, on their part, joined Messrs. Johnson and Pickering.

On motion of Mr. Parker of Fitzwilliam—

The House adjourned.

## AFTERNOON.

Mr. St. Clair, from the joint select committee appointed to wait upon the Governor elect and inform him of his election, reported that they had attended to that duty, to which information the Governor elect replied that he would be ready to meet both branches of the Legislature in the Representatives Hall at half past three o'clock this afternoon.

Which report having been read and accepted,

On motion of Mr. Cox—

*Resolved*, That the House are now ready to meet the Senate.

in Convention for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.

*Ordered*, That the Clerk inform the Senate thereof.

### IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives Hall, the Honorable John Page, Governor elect, came in, escorted by the committee of both branches of the Legislature, attended by the Honorable Council and manifested his acceptance of the office of Governor of this State. He then took and subscribed the oath of office before the President of the Senate, and in the presence of both branches of the Legislature, when the Hon. James B. Creighton, President of the Senate, declared His Excellency John Page Governor of the State of New Hampshire for the ensuing political year and presented him with a copy of the Constitution as a guide in the discharge of his official duties.

His Excellency then retired to the Council Chamber attended by the Honorable Council.

On motion of Mr. Johnson of the Senate—

The Convention rose and the Senate withdrew.

The following message in writing was received from His Excellency the Governor, by the Secretary of State, which was read—

*Fellow citizens of the Senate,  
and House of Representatives,*

Although various causes have operated during the past year to involve a portion of our citizens in pecuniary embarrassments, to a greater or less extent, yet our prospects are already brightening, and we may now calculate with confidence upon the speedy return of abundant prosperity.

Among the causes which have contributed to produce embarrassment has been the excessive importation of foreign merchandise purchased upon credit. For the payment of debts so contracted, the exportation of specie became necessary. A drain of specie necessarily compelled the banks to curtail their loans, and such curtailment is always productive of more or less embarrassment. The securities given by the states, for debts contracted by them in the prosecution of their works of internal improve-

ment, obtaining for a time unlimited credit with foreign capitalists, passed, to the amount of between one and two hundred million of dollars into foreign hands, and foreign merchandise was either directly or indirectly received in exchange for most of them. The ready reception of these securities abroad, afforded a facility of payment for foreign goods, which stimulated strongly to the excessive importation of them. Nor did the impulse thus given, cease to operate when the facilities thus afforded were exhausted, but drove us on to a ruinous extent, beyond even the means apparently so inexhaustible. The influx of foreign goods in this way produced, could not fail of effecting unfavorably the business of our manufacturers. Our imports ought never materially to exceed the value of our exports in foreign markets, for nations as well as individuals, when they buy much and sell little are sure of involving themselves in embarrassment.

The course of business pursued by several of the banks in this country, has had its effect in producing our late embarrassments.—Those banks abandoning their appropriate sphere of business, plunged into various speculations, and became dealers in cotton and other commodities, on a scale so extensive, that instead of being able to loan money, it became necessary for them not only to curtail their loans already made, but to become themselves applicants for extensive loans. The bank of the United States, even resorted to the expedient of issuing and selling its own post notes (notes redeemable at a future day) for the purpose of raising funds to sustain itself in its speculations ; and such were the embarrassments into which that bank plunged itself, by its extraordinary course of dealing, that all the means it possessed and had the power to raise, could not save it from the necessity of suspending specie payments. Suspension by that powerful institution, drew after it into the same vortex nearly half the banks in the country. Affected by the operation of these powerful causes, it is not much to be wondered at, that we have been subject to embarrassments ; the wonder is rather, that we have passed the ordeal so little harmed. Permit me to congratulate you upon the indications of returning prosperity, as well as upon the present prospect of a fruitful season ; in relation to both, may our hopes be fully realized.

By a law of this State passed Jan. 13, 1837, bank bills of the smaller denominations, were prohibited from circulation, after certain times therein specified ; but before this law went into operation, the banks suspended specie payments, in consequence of which it became impracticable to carry its provisions into immedi-

ate effect. The Legislature by an act passed July, 4, 1838, suspended the operation of this law until July 1, 1840. I have never doubted the wisdom of suppressing the circulation of small bills, provided such suppression can be made general, and extend to all the States. It is in my belief, the only way in which we can permanently increase our specie circulation. It is very natural that persons owning bank stock, should be opposed to such a measure, as a matter of interest, because the profits accruing from such stock, depend mainly upon the amount of bills which the banks are able to keep in circulation, and if the whole circulating medium of the country be limited by the demand for it, or otherwise, to a given amount, the portion of it which consists of paper, must diminish in the exact ratio, in which the specie portion increases. It is unquestionably desirable, that our circulating medium should be made to include a much larger proportion of specie than now belongs to it. It is desirable, not only as respects the interest which the people universally have, in securing a sound and stable currency, but also as it respects the safety of the banks, and their ability at all times to redeem their circulation with specie. If we expel small bills from circulation, we thereby create a demand for specie to supply their place, and specie like all other commodities will always be attracted most strongly to the point, at which there is the greatest demand for it.— This accords with universal experience. Yet surrounded as we are by States, authorizing the emission and circulation of small bills, and connected as we are with such States in trade, it would probably be difficult at present, to carry the provisions of the act in question into effect. I would therefore suggest the expediency of a further postponement of the law for a limited period, believing that the prohibitions embraced in it, will, at no distant day, be more favourably regarded by the people of the neighboring states.

Our Banks, at present, sustain themselves in their operations, principally by collecting bills of other banks, and depositing them in Boston for the redemption of their own notes. They do not expect to redeem their bills at their own counter to any considerable extent, and they therefore make but slight provision for that purpose. This mode of transacting business has nearly drained the specie from the vaults of the banks, and although it has the advantage of keeping the bills of solvent country banks at par in Boston, and lays some restriction on the amount put in circulation; yet redemption in specie at their own counters, would render necessary the possession of specie funds adequate to that purpose,

and would create a demand for specie, which would no doubt add materially to the specie basis of our circulation.

I would suggest the expediency of making it the duty of the Bank Commissioners, within certain limited periods, to examine into the affairs of the banks, without being called upon by the Governor for that purpose. A provision by law for that object, may secure the public against losses, by the detection of unsoundness in the banks at an early period, and before such unsoundness becomes of so serious a character, as to render the banks deeply insolvent.

Happily for us we have accumulated no State debt, and unlike many of our sister States, we are not subject to burthensome taxation to pay the interest on loans. However desirable may be the public improvements, made in many of the States, it will be found much the wisest policy to leave such improvements to be effected by the enterprise of individuals or associations of individuals; such undertakings, are always prosecuted with greater economy as well as effect, by individuals than by States; beside there is obvious injustice in subjecting the people of the whole State to equal expense for objects, the benefits of which, they must share at best unequally. Our ordinary expenditure for the support of the State Government is about \$45,000 annually, an amount so moderate as to afford no reasonable ground of complaint.

The Constitution of this State requires that "in order that assessments may be made with equality, there shall be a valuation of the estates within this State, taken anew once in every five years at least, and as much oftener as the General Court shall order." Under this provision of the Constitution, it has been customary on the return of every fourth year, to hold an adjourned Session in November, not for the purpose alone of making a new proportion Act, but to supply any vacancy, that might occur in the board of Electors of President and Vice President of the United States. By reference to an Act in addition to an Act, directing the mode of choosing and appointing the Electors aforesaid, passed January 7, 1837, provision will be found to have been there made, for supplying any vacancy that may exist in the Board of Electors, at the time of their meeting, which will preclude the necessity of an adjourned session this year; this provision may save considerable expense to the State, for I think all will agree that our June sessions of ordinary length, afford ample time for all the legislation that the public good may require. Perhaps excess of legislation is one of the growing evils to which we are subject.

Laws of a public nature, to which constructions have been given by Judicial decisions, should not be altered without weighty reasons. Nothing tends so much to increase litigation, and render the law uncertain, as frequent alterations of the statutes. I should therefore recommend but few alterations in our public laws. Our criminal code is humane, and at the same time sufficiently severe. It is more by the certainty, than the severity of punishment, that crimes are prevented ; and such are the vigilance and ability with which our criminal laws are now enforced, that few offenders escape deserved punishment.

Our special legislation has much increased within a few years. There are no doubt cases, in which it is expedient to grant charters of incorporation ; but acts of incorporation are often asked for, with a sole view to avoid personal responsibility, to enable individuals to transact business under their corporate name, with an exemption from all responsibility, beyond their mere interest in the corporate property. Applications to the Legislature for such favors, ought not to be encouraged. Business transactions involving unlimited personal responsibility, as in the case of individual and partnership affairs, are likely to be conducted in a more prudent and less hazardous manner, than transactions in relation to which, personal responsibility is limited or exonerated. In all acts of incorporation, which the Legislature may deem it expedient to grant, the interests of the public, as well as the rights of individuals, should be guarded with great care. The number and power of corporations in this country, have been extended to an alarming degree, and it may require the utmost vigilance and efforts of our people, as well as their Legislatures, to retain the government of the country in opposition to so many and so powerful combinations.

After having given seasonable notice, the Directors of the State Prison met in Sept. last, to receive proposals for the labor of the convicts. Proposals were made by Mr. Gordon Burley for one year, commencing on the 1st day of January, 1840, and a new contract was then entered into, (the terms of which are similar to those of the former contract) which would have expired January 1, 1841, but by a subsequent agreement, said contract is to expire in Sept. next. This alteration in the opinion of the Warden is beneficial to the State, in as much as it brings the contract to a termination, at an earlier season of the year, and will afford opportunity to procure provisions for the support of the convicts, and stock and materials to supply the work-shops before the water communication to this place is closed by ice. The Warden's report will show what

part of the appropriation for repairs has been expended for that purpose. No part of the appropriation to enable the Warden to carry on business in behalf of the State has been drawn from the Treasury ; but such, and so fluctuating have been the prices of manufactured articles in the market, that few are disposed to contract for the labor of the convicts ; perhaps those convicts who are mechanics, can be advantageously let for particular branches of business. I would therefore suggest the propriety of continuing authority, to hire out a part or all the convicts on suitable terms, and also of continuing sufficient appropriations to enable the Warden to carry on the whole business, directly in behalf of the State.

It gives me great satisfaction to be able to say, that the regulation and police of the Prison, has never to my knowledge, been better than during the past year ; the work-shops have been divided into smaller apartments, greatly as I conceive to the benefit of the contractor, and the division has contributed much to preserve order and regularity in the conduct of the convicts.

Under the act of the last session providing for a geological and mineralogical survey of this State, I have appointed Dr. Charles T. Jackson of Boston, State Geologist ; such were his engagements last year, that he could not enter upon the survey of this State until the present season. I anticipate great benefits to the State from this survey, not only in the valuable agricultural information to be derived from the analysis of our soils, but in the development of the mineral resources, which there is reason to believe abound in various parts of the State ; to continue this survey through the season may require some additional appropriation ; I presume it is the desire of all to complete the survey with as little delay as possible.

Our reliance for defence, for suppressing insurrection, and repelling invasion, must in a great measure be upon citizen soldiers, our militia. Our pursuits are of a peaceful nature, we are not by habit a warlike people ; but if occasion demand, if foreign foes invade our soil, if the integrity of our Union is assailed, "our people know their rights, and knowing will defend them ;" we have the best materials from which to raise an army, in the patriotic, warm-hearted, strong-armed citizens of our Republic, who still possess all that love of country, all that energy, courage and fortitude, with which our fathers were inspired in the struggle for Independence ; these are the bulwarks of our country, and in the absence of National Legislation upon this subject, it is important that measures should be adopted by the State Governments,

to encourage discipline, and render our Militia efficient. It is wisdom on our part to be at all times prepared for war, a different course would be likely to invite aggression. The encouragement already given by our laws, to those who bear arms, although small has proved beneficial. Heretofore the burthen of doing military duty, has fallen principally upon those, who have been least able to bear it. To your wisdom I submit the subject; it is for you to determine whether further encouragement is necessary to strengthen and invigorate this arm of our defence. The recent aspect of our foreign relations admonishes us, that it is wisdom, "in peace to prepare for war."

Our system of free schools, is well adapted to diffuse the advantages of education, among all classes of our people, the poor as well as the rich; and it is of the highest importance, under a government like ours, that these advantages be not only accessible to all, but that they be improved by all. Education is one of the main pillars of our free institutions. It is of great importance, that competent Teachers be employed in our District Schools; for it is here, that a large majority of our youth, finish their education, and here should be afforded the means of instruction in all the branches of a thorough English education. But while improvements are making in the arts and sciences, and in almost every thing else, have not our district schools, been, for some years, stationary? This subject is of such importance, that it is expressly enjoined on you by the Constitution "to cherish the interests of Literature and the Sciences."

The term of one of our Senators in Congress, will expire on the fourth day of March next, and on you willd evolve the duty of making a seasonable appointment, to fill the vacancy which will then occur.

It will be necessary to make provision by law, for the return of the inventories of the several towns in the State, to enable the Legislature to make an equitable proportion act, at their next session, for the assessment of public taxes.

Nothing I believe has yet been accomplished toward the erection of buildings for the Insane Hospital. The progress of this institution, so humane in its object, has thus far been delayed, by a difference of opinion, as to a suitable place for its location. A point has been designated for that purpose, by a very respectable committee, in the extreme eastern section of the State. That point may have advantages (of which however I am not aware) sufficient to counterbalance its difficulty of access, to a large proportion of our people. The board of Visitors have performed no

duty the past year, except the filling of a vacancy in the board of Trustees, appointed in behalf of the State.

Of the appropriation for the education of indigent deaf and dumb persons, at the Asylum in Hartford Connecticut nearly the whole has been expended. The course of instruction pursued at this Institution, requires a term of four years for its completion, consequently about one fourth part of your beneficiaries, retire annually, and give place to as many new applicants.— It is to be hoped that the usual appropriation continued, will meet the wants of this unfortunate class.

Of the appropriation for the education of indigent blind persons at the Institution for the blind in Boston, \$675, have been expended. The pupils remain at this institution for a longer term of years, and their education is attended with more expense, than that of the deaf and dumb. It is believed there are but few of this class in the State.

In my communication to the Legislature, at the commencement of its last session, I expressed my conviction in favor of abolishing imprisonment for debt: my views upon that subject have not changed, and I again commend it to your favorable consideration.

In conclusion, Gentlemen, let us cherish a spirit of forbearance and harmony, and make the welfare, the prosperity and happiness of our constituents, the principal object of all our proceedings here; looking to Him who ruleth the the destinies of Nations for wisdom to direct us in all our deliberations.

JOHN PAGE.

Concord, June 4, 1840.

On motion of Mr. Quincy—

*Ordered*, That the message of His Excellency the Governor be laid on the table, and that the Clerk be directed to procure one thousand printed copies for the use of the House.

On motion of Mr. Quincy—

The House adjourned.

FRIDAY, JUNE 5, 1840.

On Motion of Mr. Randall of Sandwich—

*Resolved*, That the House are now ready to meet the Senate in Convention for the purpose of proceeding in the elections

agreeably to the provisions of the Constitution.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Chase of Washington—

*Resolved*, That a select committee be appointed on the part of the House, with such as the Senate may join, to report joint rules for the government of both Houses the present session.

*Ordered*, That Messrs. Chase of Washington, Sawyer of Nashua, and Swasey of Haverhill be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

### IN CONVENTION

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall—

Mr. Comersford, from the committee appointed to receive the returns of votes for Counsellors from the several Council Districts in this State, with instructions to count them and compare and cast their numbers,

### REPORTED

"That IN DISTRICT No. 1, the whole number of votes legally returned, is 10,414  
 Necessary to a choice, 5,208  
 Estimated as scattering, 58  
 Arthur Branscomb has 4,191  
 Isaac Waldron has 6,165  
 and is elected.

IN DISTRICT No. 2, the whole number of votes legally returned is 10,167  
 Necessary to a choice, 5,084  
 Estimated as scattering, 15  
 Jeremiah Wilson has 4,245  
 Henry B. Rust has 5,907  
 and is elected.

IN DISTRICT No. 3, the whole number of votes legally returned is 11,672  
 Necessary to a choice, 5,837  
 Estimated as scattering, 17

Daniel Abbot has	4,493
John H. Steele has	7,162
and is elected.	

IN DISTRICT No. 4, the whole number of votes	
legally returned is	9,198
Necessary to a choice,	4,600
Estimated as scattering,	48
Leonard Biscoe has	4,379
Phinehas Handerson has	4,771
and is elected.	

IN DISTRICT No. 5, the whole number of votes	
legally returned is	9,157
Necessary to a choice,	4,578
Estimated as scattering,	172
Isaac Abbot has	3,155
John H. White has	5,830
and is elected.	

No return of votes has been received from Northwood in District No. 1."

On motion of Mr. Treadwell of the House—

*Resolved*, That the report be accepted.

On motion of Mr. Ayer of the House—

The Convention rose and the Senate withdrew.

Mr. Dodge, from the select committee appointed to extend an invitation to the several clergymen of this place to officiate alternately as chaplains for the House of Representatives during the present session, by leave of the House, reported that they have attended to the duties assigned them, that the invitation is accepted, and that they will commence their duties to-morrow morning at the time assigned by a resolution of the House.

On motion—

The report was accepted.

On motion of Mr. Ayer—

*Resolved*, That a select committee be appointed to take the message of His Excellency the Governor into consideration and report what disposition shall be made of the several subjects embraced therein.

*Ordered*, That Messrs. Ayer of Hooksett, Hill of Mason, and Wentworth of Sandwich be this committee.

A message in writing was received from His Excellency the

Governor by the Secretary of State, which was read and is as follows :

*"To the Hon. Senate and House of Representatives—*

I herewith communicate the report of the Warden of the State Prison, together with a statement of its general affairs.

JOHN PAGE.

Executive Department, {  
June 5, 1840. }

On motion of Mr. Treadwell,

*Resolved*, that His Excellency's Message with the accompanying documents lie upon the table, and that the Clerk be directed to procure three hundred printed copies for the use of the House.

On motion of Mr. Sanborn of East Kingston,

*Resolved*, That a select committee be appointed on the part of the House with such as the Senate may join, to procure three hundred printed copies of the rules of the Senate, the rules of the House of Representatives, and the joint rules of the two Houses, the Constitution of the United States, the Constitution of this State, the names of the several members of the Legislature and its officers, with a list of the Standing Committees in each of its branches, for the use of both branches of the Legislature the present session.

*Ordered*, That Messrs. Sanborn of East Kingston, Blaisdell of Hanover, and Smith of Lempster be the committee.

*Ordered*, That the Clerk request the concurrence of Senate therein.

Mr. Smith of Bradford, from the select committee appointed to prepare and report rules for the government of the House the present session, by leave, reported the following—

## RULES FOR THE GOVERNMENT OF THE HOUSE.

### OF THE DUTY OF THE SPEAKER.

1. The Speaker shall take the Chair precisely at the hour to which the House shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak on points of order in preference to others members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the House by any two members. Questions shall

be distinctly put in this form, to wit: "As many as are of opinion that (as the case may be) say Aye;" and after the affirmative vote is expressed, "As many as are of a contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and stand till they be counted, and afterwards those in the negative shall rise, and stand till they be counted. The Speaker shall then rise and state the decision of the House.

3. He shall rise to put a question, but may state it sitting.

4. All committees shall be appointed by the Speaker, unless otherwise directed by the House.

5. The Speaker shall designate to which of the standing committees all memorials, petitions, accounts or other matters shall be referred, unless otherwise ordered by the House.

6. The Speaker shall vote in no case, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

7. All acts, addresses and joint resolutions shall be signed by the Speaker; and all writs, warrants or subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

8. In case of any disturbance or disorderly conduct in the galleries, the Speaker or Chairman of the committee of the whole House, shall have the power to order the same to be cleared.

9. No person but the members and officers of the House, members of the Council, and members of the Senate, the Secretary of the State, Treasurer, and Clerks of the Senate, shall be admitted within the door of the Representatives' chamber, unless by invitation of the Speaker or of some member of the House with consent of the Speaker, except in public hearings, the parties, their counsel and witnesses.

10. The Speaker shall have power to substitute any Member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

#### OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall arise from his seat and respectfully address himself to Mr. Speaker.

12. If any member transgress the rules of the House, the

Speaker shall, or any other member may call him to order; in which case the member so called to order, shall immediately sit down; and the question of order shall then be distinctly stated from the chair; after which the member so called to order, may explain, and the question shall be open to debate, as in other cases, and be decided by the Speaker, whose decision shall be submitted to, unless an appeal be made to the House by a member, in which case, the only question shall be, "Is the Speaker's decision correct?" which shall be decided without debate. If the decision be in favor of the member so called to order, he may proceed; if otherwise, and the case shall require it, he shall be liable to the censure of the House.

13. In all cases, the member first rising shall speak first.— When two members rise at the same time, the Speaker shall name the person to speak.

14. No member shall speak more than twice to the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; and if a question be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken thereon twice, on the preceding day, shall be permitted again to speak on it without leave.

15. While the Speaker is putting any question, or addressing the House, no one shall walk out of, or across the House; nor in such case, or when a member is speaking shall entertain private discourse, nor whilst a member is speaking shall pass between him and the chair, nor shall any member leave his seat while the yeas and nays are calling.

16. No member shall vote on any question in the event of which he is directly interested; or in any case where he was not present when the question was put.

17. Every member who shall be in the House, when a question is put, shall give his vote, unless the House, for special reason shall excuse him.

18. No motion shall be debated until the same shall be seconded and stated from the chair—and when a motion shall be made and seconded, it shall be reduced to writing, if desired by the speaker, or any member, delivered in at the table, and read by the Speaker, before the same shall be debated.

19. No petition shall be received by the House, unless it be presented by a member thereof, and upon motion made for that purpose, nor until the substance of said petition be concisely minuted and the name of the member and the town he represents

recorded on the back thereof; and it shall be the duty of the Speaker, whenever any motion relative to a petition is to be stated to the House, to state in the first place the substance of the petition as minuted on the back thereof.

20. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before a division or amendment.

21. When a question is under debate, no motion shall be received, but, 1st—To adjourn; 2d, To lie on the table; 3d, To postpone indefinitely; 4th, To postpone to a day certain; 5th, To commit; and 6th, To amend; which several motions shall have precedence in the order in which they are arranged. Motions to adjourn, and lie on the table, shall be decided without debate.

22. When a question is postponed indefinitely, the same shall not be acted upon during the session.

23. Any member may call for the division of a question, when the sense will admit of it.

24. A motion for commitment, until it is decided, shall preclude all amendment of the main question—and all motions and reports may be committed at the pleasure of the House.

25. No new motion shall be admitted under color of amendment, as a substitute for the motion under debate.

26. No vote shall be re-considered, unless the motion for re-consideration be made by a member who voted with the majority, nor unless notice of such motion be given on the same day on which the vote passed, or on the next day between the hours of ten and twelve o'clock.

27. When the reading of a paper is called for and objected to by any member, it shall be determined by a vote of the House.

28. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees, who have not reported. No member shall nominate more than one person for the same committee, provided the person nominated shall be chosen—nor shall any person after having been himself appointed, nominate one for the same committee.

29. Each member shall seasonably, and punctually, attend his duty in the House; and no one shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

30. When the House adjourns, each member shall rise and keep his place, until the Speaker leaves the chair.

31. The Speaker shall appoint a sergeant-at-arms whenever it may be necessary, to execute the commands of the House, and process issued by its authority.

#### OF STANDING COMMITTEES.

32. The following standing committees shall be appointed early in the June session:

A committee on Elections; a committee on the Judiciary; a committee on Banks; a committee on the State Prison; and a committee on Public Lands—to consist of ten members each.

A committee on Agriculture and Manufactures; a committee on Finance; a committee on Military affairs; and a committee on Unfinished Business—to consist of seven members each.

A committee on Education; a committee on Incorporations; a committee on Towns and Parishes; and a committee on Roads, Bridges and Canals—to consist of nine members each.

A committee on Bills on their second Reading; a committee on Printer's Accounts; a committee on Military Accounts; and a committee on Claims—to consist of five members each.

A committee on the Alteration of Names, to consist of three members.

It shall be the duty of the committee on Elections, to examine and report upon the certificates or other credentials of the election of the members returned to serve in this House, and to take into consideration all such petitions and other matters, in relation to elections and returns, as shall or may be presented, or come in question, and shall be referred to them by the House.

It shall be the duty of the committee on the Judiciary to take into their consideration all matters in relation to the Judiciary system of this State; to examine and report what laws have expired or are near expiring, and require to be revived or further continued, and report their opinion on all constitutional questions that may be referred to them by the House.

It shall be the duty of the committee on Banks, to consider all applications for the incorporation of banks, and all subjects relating to such institutions, that may be referred to them by the House, and to report thereon.

It shall be the duty of the committee on the State Prison to take into consideration all matters in relation to the State Prison, to examine all the reports and accounts that may be submitted by the Warden, and make such report, either by bill or otherwise, as they think the interest of the State requires.

It shall be the duty of the committee on Public Lands to consider all proposals and applications for the sale of public lands, and every matter in relation to them, that may be referred to the committee by the House, and to report thereon.

It shall be the duty of the committee on Agriculture and Manufactures, to take into their consideration all matters concerning the agricultural and manufacturing interests of the State, and the incorporation of agricultural societies and factories, that shall be referred to them by the House, and to report thereon.

It shall be the duty of the committee on Finance to examine and take into their consideration the state of the Treasury ; to report what sum it may be necessary to raise as a State tax, and on every subject touching the financial interests of the State, that may be referred to them by the House.

It shall be the duty of the Military committee to consider all applications for altering or amending laws regulating the Militia of this State, and for the removal of militia officers, and to report thereon.

It shall be the duty of the committee on Roads, Bridges and Canals, to consider all applications for the incorporation of Turnpikes, Rail Roads, Bridges or Canals, and for the alteration of tolls, and all matters relative thereto, that may be referred to them by the House, and to report thereon.

It shall be the duty of the committee on Education, to consider all subjects relative to the regulation of school districts and schools, and all matters concerning education that may be referred to them by the House and report thereon.

It shall be the duty of the committee on Towns and Parishes, to consider all applications for the incorporation of towns or parishes, for the alteration of town or parish lines, that may be referred to them by the House, and to report thereon.

It shall be the duty of the committee on Incorporations to consider and report on all applications for acts of incorporation, and all other matters which may come in question relative to bodies corporate, that may be referred to them by the House, excepting those relating to towns, parishes, turnpikes, rail roads, canals, banks, agricultural societies and Factories.

It shall be the duty of the committee on Unfinished Business, to examine and report from the journals of the last session, all such matters as were then pending and undetermined.

It shall be the duty of the committee on bills on their second reading, to take into consideration all bills on the second reading,

that may be committed for amendment, or otherwise, and to make such report thereon as they may think expedient.

It shall be the duty of the committee on Printers Accounts, to examine and adjust all accounts against the State for printing, and every subject relating to such accounts, that may be referred to them by the House, and to report thereon.

It shall be the duty of the committee on Military Accounts, to examine, adjust and report on all accounts relative to the militia, that may be referred to them by the House.

It shall be the duty of the committee on Claims, to audit, adjust and report on all accounts and claims that may be presented for allowance, except accounts for printing, military accounts, and accounts for engrossing bills.

33. All other committees shall consist of three members, unless otherwise ordered.

34. The standing committees shall attend at their respective committee rooms, two hours before the meeting of the House in the morning, and at such other times as the House shall order, and no committee shall sit during the sitting of the House, unless when the Speaker shall consider it to be necessary.

35. The first named member of any committee appointed by the Speaker of the House, shall be the chairman ; and in case of his absence or being excused by the House, the next named member, and so on as often as the case shall happen, unless the committee, by a majority of the number elect a chairman. And when any committee shall report otherwise than by bill, they shall, if the subject admit of it, subjoin to their report a resolution making such disposition of the matter committed to them, as to the committee shall seem expedient.

#### ON BILLS.

36. Every bill shall be introduced by motion for leave or by an order of the House, on the report of a committee ; and no bill shall be introduced by any member, (except on the report of a committee) unless he shall have given at least one day's notice of his intention, and of the object of the bill to be introduced.

37. Every bill shall receive three several readings in the House previous to its passage ; the first reading shall be for information, and upon the second reading, if not reected, or committed, or postponed, or laid on the tablet a time shall be assigned for the third reading, and in all cases the time assigned for the third read-

ing of a bill shall be on some subsequent day. And all bills for a second reading shall be assigned for eleven o'clock in the forenoon, and all bills for a third reading, for three o'clock in the afternoon, unless otherwise ordered by the House.

38. Before any bill, resolution or vote, shall be sent to the Senate, the Speaker shall read the vote, resolution, or title of the bill. All bills and all votes and resolutions that are necessary to be carried to the Senate for their concurrence may be sent by the Assistant Clerk.

#### OF COMMITTEES OF THE WHOLE HOUSE.

39. The House may resolve itself into a committee of the whole House, at any time, on the motion of a member made for that purpose; and in forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

40. Upon bills and resolutions committed to a committee of the whole House, the bill or resolution shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble of bills to be last considered; the body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report the bill or resolution shall again be subject to be debated and amended by clauses, before a question to pass it to a third reading be taken.

41. The rules of proceeding in the House, shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

42. No standing rule or order of the House, shall be rescinded, without one day's notice being given of the motion therefor; nor suspended, unless by a vote therefor of two-thirds of the members present.

#### ORDER OF BUSINESS OF THE DAY.

43. As soon as the Journal is read, the Speaker shall call for petitions from the members of the respective counties, beginning with the county of Rockingham. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees shall be called for and disposed of.

And the above business shall be done in no other part of the day, except by permission of the House.

44. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference over all other business except the general orders of the day, and no motion on any other business, except the general orders of the day, shall be received, without special leave of the House, until the former is disposed of.

The foregoing rules having been read—

On motion Mr. Smith of Lempster—

*Resolved*, That they be adopted.

On motion of Mr. Treadwell—

*Resolved*, That His Excellency the Governor be requested to inform the House, what proceedings, if any, have been had with regard to the Wolseborough Bank.

On motion of Mr. Hoskins—

*Resolved*, That a committee be appointed on the part of the House, with such as the Senate may join, to wait on His Excellency the Governor and inform him that the following gentlemen are elected Counsellors for the ensuing political year, namely :

Isaac Waldron, for district No. 1.

Henry B. Rust,      "      "      2.

John H. Steele,      "      "      3.

Phinehas Handerson, "      "      4.

John H. White,      "      "      5.

*Ordered*, That Messrs. Hoskins of Westmoreland, Moore of Milford and McDaniel of Barrington be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Parker of Lisbon—

*Resolved*, That a committee of three be appointed to inform His Excellency the Governor and the Honorable the Council and Senate, that prayers will be offered in the Representative's Hall at a quarter before ten o'clock in the forenoon on each day of the session, and invite their attendance.

*Ordered*, That Messrs. Parker of Lisbon, Parker of Fitzwilliam and Hill of Alton be the committee.

On motion of Mr. Bruce of Mont Vernon—

*Resolved*, That a committee be appointed on the part of the House with such as the Senate may join, to audit the accounts of the Treasurer of this State.

*Ordered*, That Messrs. Bruce of Mont Vernon, Copp of Wakefield and Weeks of Canaan be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Treadwell gave notice that he will to-morrow ask leave to introduce a bill entitled "An act relating to Banking and other private corporations," and also a bill entitled "An act to incorporate the first Christian Society in Portsmouth."

A message from the Senate by their Clerk:

"Mr. Speaker—The Senate concur with the House in the passage of a resolution appointing a joint select committee to wait upon His Excellency the Governor and inform him of the election of Counsellors and have on their part, joined Mr. Ren-ton."

Mr. Sawyer of Nasbua gave notice that he will to-morrow ask leave to introduce a bill in amendment of the laws of the State regulating divorces.

On motion—

The House adjourned.

## AFTERNOON.

Agreeably to the rules of the House the Speaker announced the appointment of the following.

### STANDING COMMITTEES:

#### *On Elections.*

Messrs. St Clair of Deerfield, Bennett of Winchester, Gibson of Pelham, Watkins of Warner, Berry of Milton, Tuttle of Jefferson, Brown of Bristol, Cox of Holderness, Meacham of Charlestown, Curry of Sandbornton.

#### *On the Judiciary.*

Messrs. Baker of Hillsborough, Wilson of Keene, Swasey of Haverhill, Jenness of Portsmouth, Sawyer of Nashua, Whittemore of Wilton, Currier of Chester, Morrison of Manchester, Perley of Dunbarton, Forsaith of Newport.

*On Banks.*

Messrs. Wells of Lancaster, Sawyer of Dover, Whittemore of Antrim, Copp of Wakefield, Kelsey of Portsmouth, Gilman of Exeter, Randall of Sandwich, Stevens of Claremont, Bruce of Mont Vernon, Copeland of Stoddard.

*On the States Prison.*

Messrs. Quincy of Rumney, Chamberlain of Keene, Whittemore of Greenfield, Webster of Plymouth, Tudor of Walpole, Monroe of Hillsborough, Latham of Lyme, Towle of Hampton, Little of Boscawen, Shute of Concord.

*On Public Lands.*

Messrs. Wentworth of Sandwich, Horn of Dover, Knapp of Franconia, Gould of Henniker, Young of Stewartstown, Davis of Madbury, Furber of Newington, Winter of Cainton, Perkins of Jackson, Smith of Gilsum.

*On Roads, Bridges and Canals.*

Messrs. Treadwell of Portsmouth, Stickney of New Market, Warner of Whitefield, Merrill of Enfield, Kingsbury of Alstead, Bean of Grantham, Hatch of Exeter, Poor of Goffstown, Pitman of Bartlett.

*On Towns and Parishes.*

Messrs. Hoit of Bridgewater, Freese of Epping, Walker of Barnstead, Hilton of New Market, Martin of Epsom, Patterson of Hopkinton, Judkins of Unity, Weeks of Richmond, Dustin of Columbia.

*On Education.*

Messrs. Parker of Fitzwilliam, Hall of Tamworth, Moore of Milford, Hill of Mason, Leavitt of Chichester, Thom of Conway, Perrin of Orford, Bingham of Claremont, George of Salisbury.

*On Incorporations.*

Messrs. McDaniel of Barrington, Wallace of Amherst, Parker of Lisbon, Walker of Langdon, Haley of Tuftonborough, Jeness of Rye, Howard of Springfield, Bryant of Plainfield, Berry of Greenland.

*On Agriculture and Manufactures.*

Messrs. Jenness of Deerfield, Hill of Alton, Tompkins of Chester, Barnard of Hopkinton, Breck of Cornish, Sanborn of Gilford, Whitton of Wolfeborough.

*On Finance.*

Messrs. Ayer of Hooksett, Buckminster of Roxbury, Chase of Washington, Morrill of Somersworth, Lord of Portsmouth, Noyes of Landaff, McGrath of Orange.

*On Military Affairs.*

Messrs. Cate of Northfield, Learned of Piermont, Blake of Kensington, Hill of Northwood, Burt of Society Land, Woods of Henniker, Sanborn of East Kingston.

*On Unfinished Business.*

Messrs. Smith of Bradford, Dodge of Hampton Falls, Durrell of Gilmanton, Simpson of Windham, Dame of Farmington, Poor of Raymond, Perkins of Allenstown.

*On Bills on their 2d Reading.*

Messrs. Weeks of Canaan, Betton of Derry, Whittaker of Weare, Dickinson of Hinsdale, Morrill of Canterbury.

*On Printers Accounts.*

Messrs. Hoskins of Westmoreland, Beard of Nashua, Moses of Portsmouth, Whittemore of Colebrook, Wilson of Lee.

*On Military Accounts.*

Messrs. Lawrence of Gilford, Smith of Carroll, Stevens of Newbury, George of Wendell, Currier of Wilmot.

*On Claims.*

Messrs. Lane of Hampstead, White of Londonderry, Langdon of Portsmouth, Jenkins of Barnstead, Burleigh of Brookfield.

*On the Alteration of Names.*

Messrs. Odell of Merrimack, Atwood of Nelson, French of Stratford.

Mr. Ayer submitted the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to report a bill to repeal an act entitled "An act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice President of the United States, passed January 7, 1837."

Mr. Treadwell moved to amend the resolution by striking out all after the word, "*Resolved*," and inserting the following—"that the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the act directing the mode of choosing and appointment Electors of President and Vice President of the United States, approved January 7, 1837, as requires the Governor and Council to elect in case no election has been made by the people, and also of providing by law that in case no choice is made by the people, the Governor shall immediately by proclamation assemble the Legislature, who shall proceed to fill the Electoral Board.

On the question, shall the amendment be adopted?

It was decided in the negative.

On the question, shall the resolution be adopted?

It was decided in the affirmative.

On motion of Mr. Wells—

*Resolved*, That the Adjutant General report to this House the whole number of muskets and bayonets, and the whole number of rifles belonging to the State, designating in said report the number now under the care of the Commissary General, and also the number in possession of uniformed companies, designating the several companies holding said arms and the number of arms held by each of said companies, and also further to report to this House the number of muskets and rifles received by this State from the United States for five years last past.

A message from the Senate by their Clerk:

"Mr. Speaker—The Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to report joint rules for the government of the two Houses the present year, and have on their part joined Mr. Johnson.

The Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to procure three hundred printed copies of the rules of the Senate, rules of the House of Representatives, and the joint rules of the

two Houses, the Constitution of the United States, the Constitution of this State, the names of the several members of the Legislature, and its officers, with a list of the standing committees in each of its branches, for the use of both branches of the Legislature, and have on their part joined Mr. Gregg.

The Senate concur with the House in the passage of a resolution appointing a joint select committee to audit the Treasurer's accounts, and have on their part joined Mr. Comersford."

On motion of Mr. Sanborn of East Kingston—

*Resolved*, That each member of the House be required to leave with the doorkeepers, his name, place of residence and boarding house, immediately after the adjournment this afternoon.

On motion of Mr. Bruce—

*Resolved*, That a committee be appointed on the part of the House with such as the Senate may join, to assign committee rooms to the several standing committees of both branches of the Legislature.

*Ordered*, That Messrs. Bruce, Carbee of Bath, and Perkins of Strafford be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk:

"Mr. Speaker—The Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to assign committee rooms to the several standing committees, and have on their part joined Mr. Nutter."

Mr. Chase of Washington, from the joint select committee appointed to prepare and report joint rules for the government of the two Houses the present session, by leave, reported the following

#### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES :

1. When a convention of the two Houses is to be formed, whether by requirement of the Constitution, or by a vote or resolve of the two Houses, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in Convention. As soon thereafter as the

convenience of the Senate will permit, they will attend in the House. The Speaker of the House shall be Chairman of the Convention, and shall state the reason for forming the Convention. When the House and Senate are thus formed in Convention, the rules adopted as the rules of the House, shall be considered the rules of the Convention, so far as they may be deemed applicable, and the Convention shall accordingly be governed thereby.

2. Messages shall be sent by such person or persons as a sense of propriety, in each House may determine to be proper.

3. When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it may be sent by the door keeper.

4. While bills are on their passage between the Houses, they shall be under the signature of the Clerk of each House respectively.

5. There shall be a committee for the purpose of engrossing bills, consisting of two members of each House. All bills that pass both Houses shall be delivered to said Committee, be by them engrossed, carefully examined, and reported to the respective Houses; and shall be signed, first by the Speaker of the House of Representatives, then by the President of the Senate.

6. There shall be a committee to consist of three members of the House and one of the Senate, on each of the following subjects, to wit :

On all matters relative to the State Library, and on all matters relative to the State House and State House yard.

7. When a bill or resolve which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

8. Each House shall transmit to the other all papers on which any bill or resolve shall be founded.

9. Each house shall transmit to the other all bills which have passed their several stages in the House in which they originated, at least twenty-four hours before the time fixed on for adjournment.

10. After each House shall have adhered to their disagreement, a bill or resolve shall be considered lost.

The foregoing rules having been read—

On motion—

*Resolved*, That they be adopted as the joint rules of the Houses the present session.

*Ordered*, That the Clerk inform the Senate thereof.

Agreeably to the rules of the House the Speaker announced the appointment of the following,

### JOINT COMMITTEES.

#### *On Engrossed Bills.*

Messrs. Smith of Lempster, Ela of Meredith.

#### *On the Library.*

Messrs. Shannon of Moultonborough, Blaisdell of Hanover, Marsh of Litchfield.

#### *On the State House and State House Yard.*

Messrs. Taylor of Sandbornton, Edgerly of Gilmanton, Smith of Gilsum.

On motion of Mr. Knapp—

The House adjourned.

SATURDAY, JUNE 6, 1840.

Mr. Wilson of Lee, presented the petition of the Selectmen of Lee, praying that said town be disannexed from Strafford County, and annexed to Rockingham County.

Ordered, That it be referred to the committee on Towns and Parishes.

Mr. Little of Boscawen presented the petition of John Couch, jr. and others, praying for an act of incorporation of a School District.

Ordered, That it be referred to the committee on Education.

Mr. Parker of Fitzwilliam, presented the petition of Erastus Brown and others, praying for a new field piece for the Fitzwilliam Artillery Company.

Mr. Howard of Springfield presented the petition of the officers of the fourth Company of Infantry in the thirty-first Regiment of New Hampshire Militia, praying for additional muskets.

Ordered, That said petitions be referred to the committee on Military Affairs.

Mr. Quincy of Rumney presented the petition of the town of Effingham, praying for leave to surrender a charter for a toll bridge across Ossipee River.

Also the petition of the town of Freedom, praying for leave to surrender a charter for a toll bridge across Ossipee River.

Mr. Hatch of Exeter presented the petition of John Perkins and others, members of the Rockingham Mutual Fire Insurance Company, praying that so much of the charter of said Company as gives authority to vote by proxy, may be repealed.

*Ordered*, That said petitions be referred to the committee on the Judiciary.

Mr. Cotton of Sandown presented the petition of William Plumer and others, inhabitants and legal voters of the town of Sandown, praying for the exclusive right and privilege of choosing a Representative to the General Court.

*Ordered*, That it be referred to the committee on Elections.

Mr. Towle of Hampton presented the petition of Eli Tappan and others, on the subject of the proceedings of the Eastern Railroad Corporation, and praying for legislation on the taking of lands by Railroad Corporations.

Mr. Currier of Newtown presented the petition of John Hoit and thirty-six others, legal voters of the town of Newtown, praying for a repeal or alteration of the charter of the Boston and Maine Railroad Corporation.

Mr. Hatch of Exeter presented the petition of William Philbrick and others on the same subject;

Mr. Sanborn of East Kingston presented the petition of Levi Tilton and others on the same subject.

*Ordered*, That said petitions be referred to the committee on Roads, Bridges and Canals.

Mr. Sanborn of East Kingston presented the petition of Ezra Currier, 2d, praying for the alteration of his name.

*Ordered*, That it be referred to the committee on the alteration of names.

A message from the Senate by their Clerk :

“Mr. Speaker—The Senate have adopted the joint rules reported by the joint select committee appointed for that purpose for the government of the two Houses the present session.”

A message in waiting from His Excellency the Governor was received by the Secretary of State, communicating the Bank

Commissioners Report upon the affairs of the Concord Bank, which together with the accompanying documents was read.

On motion of Mr. Treadwell—

*Ordered*, That the message of His Excellency the Governor with the accompanying documents be laid upon the table, and that the Clerk be directed to procure three hundred printed copies for the use of the House.

On motion of Mr. Dame of Farmington—

*Resolved*, That a select committee be appointed on the part of the House with such as the Senate may join, for the purpose of fixing a day on which the business of the present session may be brought to a close.

*Ordered*, That Messrs. Dame of Farmington, Breck of Cornish, and Monroe of Hillsborough be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Treadwell, pursuant to previous notice and by leave of the House introduced a bill entitled an act to incorporate the first Christian Society in Portsmouth.

Which was read a first and second time.

*Ordered*, That it be referred to the committee on Incorporations.

On motion of Mr. Parker of Fitzwilliam—

*Resolved*, That the Clerk be directed to procure two hundred additional printed copies of the report of the Warden of the State Prison.

On motion of Mr. Cate of Northfield—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of an act passed June session, 1825, for the limitation of actions and preventing vexatious suits, as exempts the accounts between merchants and merchants, their factors and servants from the operation of said act.

On motion of Mr. Hill of Northwood—

*Resolved*, That when the House adjourn this forenoon, it adjourn to meet on Monday next at three o'clock in the afternoon.

Mr. Wells gave notice that he will on Monday next ask leave to introduce a bill in amendment of an act entitled an act regulating process and trials in civil cases.

Also a bill entitled an act in addition to and in amendment of an act entitled an act to incorporate the New Hampshire Asylum for the Insane.

Mr. Parker of Fitzwilliam gave notice that he will on Monday

next ask leave to introduce a bill entitled an act regulating imprisonment for debt.

On motion of Mr. Wells—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending an act for the punishment of certain crimes by solitary imprisonment and confinement to hard labor, passed January 2, 1828.

Mr. Quincy submitted the following resolution—

*Resolved*, That it is inexpedient to hold two sessions of the Legislature the present year.

Mr. Quincy moved that the resolution be laid upon the table and made the special order of the day for Tuesday next at 3 o'clock in the afternoon.

On the question being put,

It was decided in the negative.

Mr. Baker of Hillsborough moved that the resolution be indefinitely postponed.

And the question being put—

Mr. Quincy called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Knight	Hill of Alton
Cotton	McDuffie
St. Clair	Walker of Barnstead
Berry of Greenland	Jenkins
Towle of Hampton	McDaniel
Furber	Burleigh of Brookfield
Batchelder of North Hampton	Townsend
Hill of Northwood	Burnham
Crawford	Harmon
George of Plaistow	Dame
Jenness of Portsmouth	Edgerly
Lord	Durrell
Treadwell	Wilson of Lee
Moses	Eastman
Kelsey	Frost
Langdon	Shannon
Poor of Raymond	Locke of New Durham
Jenness of Rye	Weeks of Strafford
Brown of South Hampton	Wentworth
Fifield	Randall

Morrill of Somersworth	Coolidge
Hall	Piper
Scribner	Smith of Gilsum
Little of Boscawen	Palmer
Messer	Atwood
Smith of Bradford	Weeks of Richmond
Morrill of Canterbury	Converse
Leavitt of Chichester	Copeland
Shute	Mason
Gould	Hayward
Woods	Whitcomb
Barnard	Baker of Troy
Garland	Bellows
Stevens of Newbury	Silsby
Cate	Forsaith
George of Salisbury	Howard of Springfield
Watkins	Judkins
Currier of Wilmot	George of Wendall
Goodale	Locke of Alexandria
Bixby	Wilcomb
Poor of Goffstown	Weeks of Canaan
Stevens of Goffstown	Page of Coventry
Whittemore of Greenfield	Blodgett
Baker of Hillsborough	Merrill
Boardman	Rand
Odell	Knapp
Bruce	Cheney
Sawyer of Nashua	Blaisdell
Spaulding	Fellows
Beard	Sinth of Haverhill
Baldwin	Swasey
McMillen	Ferren
Smith of New Ipswich	Dickerson of Hill
Gibson	Allen
Ames	Lathrop
Moor of Peterborough	Parker of Littleton
McCay	Stevens of Lyman
Wheeler	Latham
Woodbury	McGrath
Whittaker	Learned
Whittemore of Wilton	Webster

Whidden	Perkins of Jackson
Pitman	Wells
Whittemore of Colebrook	Smith of Milan
Dustin	Green
Ballou	French of Stratford
Tuttle	Warner
Young of Stewartstown	

Those who voted in the negative are—Messrs.

Robinson of Brentwood	Page of Sutton
Dinsmoor	Hill of Mason
Freese	Kingsbury
Hatch of Exeter	Parker of Fitzwilliam
Blake	Dickinson of Hinsdale
Thayer	Batchelder
Vernard	Tudor
Stickney	Hoskins
Currier of Newtown	Humphrey
Robinson of Poplin	Bennett
Brown of Seabrook	Stevens of Claremont
Simpson	Breck
Thom	Putnam
Towle of Freedom	Walker of Langdon
Ela of Meredith	Smith of Lempster
Berry of Milton	Hatch of Newport
Norris of New Hampton	Bryant
Taylor	Brown of Bristol
Durgin	Noyes
Curry	Parker of Lisbon
Griffin	Quincy
Copp	Little of Warren
Morrill of Boscawen	Peabody
Burley of Franklin	Smith of Carroll
Singham	

Ayes 135. Noes 49.

So the further consideration of the resolution was indefinitely postponed.

Mr. Bruce, from the joint select committee appointed to assign committee rooms to the several standing committees, made a report—

Whereupon—

*Resolved by the Senate and House of Representatives*, That committee rooms numbered 6, 7 and 8, be occupied by the committees of the Senate, and the following rooms by the committees of the House of Representatives :

No. 1, By committees on Elections and Banks.

No. 2, By committees on Incorporations and the Alteration of Names.

No. 3, By committees on Agriculture and Manufactures and on Finance.

No. 4, By committees on Roads, Bridges and Canals, and on Public Lands.

No. 5, By committees on Claims and on Printers' Accounts.

No. 9, By committees on Unfinished Business, and Bills on their second reading.

No. 10, By the committee on the Judiciary.

No. 11, By committees on Military Affairs and on Military Accounts.

No. 12, By committees on Education and on the Library and on the State Prison.

No. 13, By committees on Towns and Parishes, and by Select Committees.

No. 6, By the joint committee on Engrossed Bills.

No. 8, By committee on the State House and State House Yard.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk :

“ Mr. Speaker,—The Senate concur with the House of Representatives in the adoption of the joint resolution reported by the joint select committee appointed to assign committee rooms to the several Standing committees.”

Mr. Treadwell gave notice, that he will on Monday next ask leave to introduce a bill entitled an act relating to Rail Road Corporations, and securing to Land owners the quiet and peaceable possession of their property.

On motion,

The House adjourned.

## MONDAY, JUNE 8, 1840.

Mr. Batchelder of North Hampton presented the petition of Nathaniel Batchelder and others,

Mr. George of Plaistow presented the petition of M. F. Peaslee and others,

Praying that so much of the Act of June 1838 as allows to members of the Rockingham Mutual Fire Insurance Company to carry more than one vote and allowing absent members to vote by proxy, may be repealed.

*Ordered*, That said petitions be referred to the Committee on the Judiciary.

Mr. Wells of Lancaster presented the petition of John Mason and others,

Also the petition of Isaac Rowell and others;

Also the petition of William D. Weeks and others;

Also the petition of Robert B. Randall and others;

Praying that the first division of the 24th Regiment may be disannexed from said 24th Regiment and constituted an independent regiment.

Also the petition of the Officers of the 24th Regiment, praying for the removal of officers;

Mr. Warner of Whitefield, presented the petition of the officers and soldiers of the 7th company of the 24th Regiment of militia, praying that said Regiment may be divided and constituted two Regiments;

Mr. Hoskins presented the petition of the officers of the 20th Regiment of Militia, praying for the removal of an officer;

Mr. Bennett presented the petition of the officers of the 1st Company of Light Infantry in the 6th Regiment of militia for an additional number of State arms;

*Ordered*, That said petitions be referred to the committee on Military Affairs.

Mr. Wells presented the petition of Thomas J. Crawford and others, praying for an act of incorporation of a Turnpike;

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Mr. Sawyer of Nashua presented the petition of Thomas W. Gillis and others, praying for an act of incorporation of the Nashua Academy;

*Ordered*, That it be referred to the committee on Incorporations.

Mr. Stevens of Claremont presented the petition of the Selectmen of Claremont and officers of Engine Company No. 1 for an additional number of Engine men;

*Ordered*, That it be referred to the committee on Incorporations.

Mr. Noyes of Landaff presented the petition of Nathaniel Ware and others, praying that lots numbered ,5 6, and 7, in the third range of lots in Landaff in Daniel Clark's survey, may be annexed to the town of Lincoln for the benefit of schooling.

*Ordered*, That it be referred to the committee on Education;

Mr. Cotton presented the petition of Samuel Stevens and others, inhabitants and legal voters of the town of Danville, praying for the exclusive privilege of choosing a Representative to the General Court.

*Ordered*, That it be referred to the committee on Elections.

Mr. Warner presented the petition of Alanson Noble and thirty nine others, praying that Easterly half of Lots numbered 3, and 4 in the 11th Range of Lots in the Town of Dalton may be disannexed from said Town of Dalton and annexed to the Town of Whitefield;

*Ordered*, That it be referred to the committee on Towns and Parishes;

Mr. Currier of Newtown presented the petition of Harrison Gale praying for the alteration of his name.

*Ordered*, That it be referred to the committee on the Alteration of Names.

A Message in writing was received from His Excellency the Governor, was received by the Secretary of State, and is as follows;

*“To the Hon. Senate and House of Representatives—*

I herewith transmit the quarterly returns of the Banks in this State, which have been made by the Cashiers thereof, under the Act of July 4, 1838, so far as they have been received by the Secretary of State.

June 8, 1840.

JOHN PAGE.

On motion—

*Ordered*, That His Excellency's Message with the accompanying documents be referred to the Committee on Banks.

A further Message in writing from His Excellency the Governor was received by the Secretary of State, which was read and is as follows;

MONDAY JUNE 8, 1840.

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*“ To the Hon. Senate and House of Representatives.*

I herewith enclose resolutions passed by the Legislature of South Carolina on the subject of the controversy between the States of Georgia and Maine, which I am requested to lay before the Legislature of this State.

JOHN PAGE.

Executive Department, {  
June 8, 1840. }

On motion of Mr Smith of Bradford—

*Ordered*, That His Excellency's Message with the accompanying documents be referred to the committee on the Judiciary.

A further message in writing from His Excellency the Governor was received by the Secretary of State, which was read and is as follows;

*“ To the Hon. Senate and House of Representatives—*

I herewith enclose a copy of a preamble and Resolutions passed by the Legislature of the State of New Jersey at their session in January 1840, which I am requested to lay before the Legislature of this State.

JOHN PAGE.

Executive Department, {  
June 8, 1840. }

On motion of Mr. Ayer—

*Ordered*, That His Excellency's message with the accompanying documents be referred to the Committee on the Judiciary.

A further Message in writing from His Excellency the Governor was received by the Secretary of State, which was read and is as follows:

*“ To the Hon. Senate and House of Representatives—*

I herewith communicate sundry resolutions passed by the Legislatures of Vermont, New York, and Kentucky in relation to the Public Lands, which I am requested to lay before the Legislature of this State.

JOHN PAGE.

Executive Department, {  
June 8, 1840. }

On motion of Mr. Hoskins—

*Ordered*, That His Excellency's message with the accompanying documents be laid upon the table.

A message from the Senate by their Clerk:

Mr. Speaker,—The Senate concur with the House of Representatives in the passage of a resolution appointing a committee for the purpose of fixing on a day on which the business of the present session may be brought to a close, and have on their part joined Mr. Comerford.

On motion of Mr. Weeks—

*Resolved*, That His Excellency the Governor be requested to cause one of the Bank Commissioners to examine as soon as may be all the notes due the Concord Bank signed by the officers and stockholders of said Bank, or by either of them, and report immediately the amount thereof, and that said Bank Commissioner be especially directed to report the date of each note, the amount thereof, by whom signed, and how secured.

Mr. Wells pursuant to previous notice and by leave, introduced a bill entitled an act in addition to and in amendment of an act entitled an act regulating process and trials in civil causes, which was read a first and second time;

*Ordered*, That it be referred to the committee on the Judiciary;

Mr. Treadwell, pursuant to previous notice and by leave, introduced a bill entitled an act relating to Rail Road corporations and securing to land owners the quiet and peaceable possession of their property;

Which was read a first time.

*Ordered*, That it lie upon the table, and that the Clerk be directed to procure three hundred printed copies for the use of the House.

On motion of Mr. Quincy—

*Resolved*, That the committee on the Judiciary be instructed to bring in a bill providing for the return of inventories from the several towns in this State by the first day of November next.

On motion of Mr. Simpson—

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of passing a law empowering Judges of Probate to grant license to administrators and guardians, in certain cases to sell standing wood and timber, to enable them to perform their respective trusts.

On motion of Mr. Betton—

*Resolved*, That the committee on Finance be instructed to bring in a bill providing for the compensation of the officers of the civil list.

On motion of Mr. Warner—

The House adjourned.

TUESDAY, JUNE 9, 1840.

Mr. Currier of Chester presented the petition of Daniel French and others, praying for a bounty on the cultivation of silk;

*Ordered*, That it be referred to the committee on Agriculture and Manufactures.

Mr. Bryant presented the petition of Benjamin C. Chase and others, praying to be incorporated by the name of the Philomathian Society;

Also the petition of Charles E. Patridge and others, praying to be incorporated by the name of the Literary Companion's Society.

*Ordered*, That said petitions be referred to the committee on Education.

Mr. Gilman of Exeter presented the petition of Joseph Graves and others;

Mr. Lane of Hampstead presented the petition of Benjamin George and twenty-five others, members of the Rockingham Mutual Fire Insurance Company, praying that an act passed June session 1838 authorizing said members to vote by proxy, may be repealed.

Mr. Howard of Rochester presented the petition of Simon Farr and ninety-seven others, praying for a law to regulate the sale of hoops and staves;

*Ordered*, That it be referred to the committee on the Judiciary.

Mr. Sawyer of Dover presented the petition of the Artillery Company in the 2d Regiment, praying for an appropriation for a gun house;

Mr. Wells presented the petition of John Moore and others, praying that the 1st division of the 24th Regiment may be disengaged from said 24th Regiment, and constituted an independent Regiment;

Mr. Brown of Bristol presented the petition of Daniel C. Wiley and others, members of the first company of infantry in the 34th Regiment, praying for the removal of an officer.

Mr. Ames presented the petition of Samuel King and others, praying to be incorporated as a company of "Miller Guards;"

Also the petition of the Field officers of the 22d Regiment for the removal of an officer;

Mr. Stevens of Claremont presented the petition of the Field officers of the 15th Regiment, praying for the removal of an officer;

*Ordered*, That said petitions be referred to the committee on Military Affairs.

Mr. Parker of Lisbon presented the account of William Mc Intire, Captain of Artillery in the 32d Regiment.

*Ordered*, That it be referred to the committee on Military Accounts.

Mr. Gilman presented the account of John C. Gerrish;

*Ordered*, That it be referred to the committee on Printer's Accounts.

Mr. Wells presented the petition of Ebenezer Winchester and others, that Lot numbered 150 be disannexed from the town of Stark, and annexed to the town of Lancaster,

*Ordered*, That it be referred to the committee on Towns and Parishes;

Mr. Stevens of Lyman presented the petition of Levi C. Parks and three hundred others, inhabitants of Vermont;

Also the petition of Hiram Lewis and 60 others, inhabitants of Littleton;

Also the petition of P. Mason and 75 others, inhabitants of Lyman;

Praying for a charter for a bridge across the Connecticut River at Beard's Falls in Lyman;

Mr. Burnham presented the memorial of Nathan Woodman and 76 others, citizens of Durham, remonstrating against further obstructing the navigation of the Piscataqua River;

Mr. Sawyer of Dover presented the memorial of Andrew Pierce Jr. and 393 others, citizens of Dover, remonstrating against further obstructing the navigation of the Piscataqua River, and against extending the Eastern Rail Road to Dover.

*Ordered*, That said petitions and memorials be referred to the committee on Roads, Bridges and Canals.

Mr. Ayer of Hooksett presented the petition of John L. Thordike and 62 others, praying for the passage of a law restraining itinerant and transient traders;

Mr. Blake of Kensington presented the petition of Rufus K-

Hilliard and others inhabitants of Kensington, praying for the passage of a law in relation to Hawkers and Pedlars;

On motion of Mr. Ayer—

*Resolved*, That said petitions be referred to a select committee on that subject.

Mr. Leavitt presented the petition of Jonathan Sanborn and another;

Mr. Smith of Gilsum presented the petition of John Guillan Jr.

Also the petition of Justice Hemenway Jr.

Also the petition of Daniel Winchester Jr.

Mr. Willey presented the petition of Calvin Foster;

Mr. Bean of Grantham presented the petition of William Babcock;

Mr. McMillen presented the petition of Robert Hogg and others, praying for the alteration of their respective names;

*Ordered*, That said petitions be referred to the committee on the Alteration of Names.

Mr. Smith of Bradford, from the committee on Unfinished Business, made a report;

Whereupon—

*Resolved*, That the bill entitled an act relating to the goal in the county of Merrimack, be referred to a select committee consisting of the delegation from the county of Merrimack.

Mr. Smith of Bradford, from the committee on Unfinished Business also reported the following resolution;

*Resolved*, That the bill entitled an act in addition to the several acts to incorporate the Eastern Rail Road in New Hampshire be referred to the committee on the Judiciary;

On motion of Mr. Jenness of Portsmouth—

*Ordered*, That the report lie upon the table.

Mr. Smith of Bradford from the committee on Unfinished Business made a report;

Whereupon—

*Resolved*, That the petition of James Willey, praying to have his farm severed from the town of Albany, and annexed to the town of Conway; Also the petition of Daniel McNeal, praying to have a small part of his farm disannexed from the town of Alton and annexed to the town of Barnstead, be referred to the Standing Committee on Towns and Parishes.

Mr. Baker of Hillsborough, from the committee on the Judiciary reported a bill entitled an act to repeal an act entitled an act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice Presi-

dent of the United States, approved January 7, 1837.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Cate from the committee on military affairs, to whom was referred the petition of the officers of the 4th Company of Infantry in the 31st Regiment of N. H. Militia, reported a bill entitled an act allowing to the fourth company of Infantry in the thirty first Regiment an additional number of State arms.

Which was read a first and second time.

On motion of Mr. Wilson of Keene—

*Ordered*, That it lie on the table.

Mr. Ayer, from the Select committee, to whom was referred the annual message of His Excellency the Governor, and the disposition of the several subjects embraced therein, made a report.

Whereupon—

*Resolved*, That so much of His Excellency's message as relates to the return of inventories, and so much as relates to imprisonment for debt be referred to the committee on the Judiciary.

That so much as relates to Banks and the circulation of small bills, be referred to the committee on Banks.

That so much as relates to the State Prison and the labor of the convicts therein be referred to the committee on the State Prison.

That so much as relates to the Geological and Mineralogical survey of the State be referred to a select committee of one from each county.

That so much as relates to District schools and so much as relates to deaf, dumb and blind persons, be referred to the committee on Education.

That so much as relates to the militia be referred to the committee on Military Affairs.

That so much as relates to Incorporations be referred to the committee on Incorporations.

That so much as relates to an Insane Hospital be referred to a select committee of one member from each county.

Mr. Bruce, from the joint select committee appointed to audit the accounts of the Treasurer of this State made a report, which was read;

Mr. Hoskins moved that the Report be laid upon the table, and that the Clerk be directed to procure three hundred printed copies for the use of the House;

And the question being put—

It was decided in the negative.

On motion of Mr. Treadwell—

*Resolved*, That the report be accepted.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by their Clerk :

“ Mr. Speaker—The Senate have accepted the report of the joint select committee appointed to audit the Treasurer’s accounts.”

A message in writing from His Excellency the Governor, was received by the Secretary of State which was read and is as follows;

“ *To the House of Representatives*—

Pursuant to the resolution of the House of Representatives of the 5th instant, requesting me to inform the House, what proceedings, if any have been had with regard to the Wolfeborough Bank, I can only say, that on the passage of the resolution of the last session of the Legislature, relative to the Wolfeborough Bank, I immediately caused a copy of said resolution to be forwarded to the Attorney General and the Bank Commissioners—I have no information what proceedings, if any, have been had with regard to said bank.

JOHN PAGE.

Council Chamber, }  
June 9th 1840.” }

On motion of Mr. Ayer—

*Ordered*, That His Excellency’s message lie upon the table.

On motion of Mr. Wells—

*Resolved*, That the use of the Representatives Hall be granted to the New Hampshire Historical Society for the delivery of the Annual Address before said society at quarter before 8 o’clock to-morrow evening.

Mr. Stark submitted the report of the Directors of the Granite Bridge, pursuant to an act of the General court of the State of New Hampshire, passed at their June Session, 1839, entitled an act to incorporate the Proprietors of the Granite Bridge.

On motion of Mr. Ayer—

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Mr. Swasey gave notice that he will to-morrow ask leave to introduce a bill entitled an act to repeal an act to incorporate the proprietors of the Coventry Turnpike Road in New Hampshire, passed July 5, 1839.

Pursuant to previous notice and by leave, Mr. Treadwell introduced a bill entitled an act relating to banking and other private corporations;

Which was read a first time—

Mr. McDaniel moved that the bill lie upon the table, and that the Clerk be directed to procure three hundred printed copies for the use of the House;

And the question being put—

It was decided in the negative.

On motion of Mr. Swasey—

*Ordered*, That the bill be read a second time at the present time and referred to the committee on the Judiciary.

Pursuant to previous notice and by leave, Mr. Wells introduced a bill entitled an act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane;

Which was read a first time.

Mr. Treadwell moved that the bill lie upon the table and that the Clerk be directed to procure three hundred printed copies for the use of the House.

Mr. Jenness of Portsmouth called for a division of the question;

On the question, shall the bill lie upon the table?

It was decided in the affirmative.

And on the question, shall the Clerk be directed to procure three hundred printed copies for the use of the House?

It was decided in the affirmative.

Pursuant to previous notice and by leave, Mr. Parker of Fitzwilliam introduced a bill entitled an act regulating imprisonment for debt.

Which was read a first time—

On motion of Mr. Wells—

*Ordered*, That the bill lie on the table.

On motion,

The House adjourned.

## AFTERNOON.

A message from the Senate by their Clerk :

"Mr. Speaker,—The Senate have passed a resolution fixing upon Friday next at three o'clock in the afternoon as the time for choosing a United States Senator, in which they ask the concurrence of the House."

Mr. Wentworth moved that the House concur in the passage of said resolution;

Mr. Parker of Fitzwilliam moved that the resolution lie upon the table, and be made the special order of the day for to-morrow at eleven o'clock in the forenoon, and called for a division of the question;

On the question, shall the resolution be laid upon the table?

It was decided in the negative.

On the question, shall the resolution be made the special order of the day for to-morrow at eleven o'clock in the forenoon?

It was decided in the negative.

The original question then recurring,

Will the House concur with the Senate in the passage of the resolution?

It was decided in the affirmative.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Hill of Alton—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of altering, amending or repealing the third section of an act relating to the right of suffrage, passed July 4, 1838.

On motion of Mr. Haley of Tuftonborough—

*Resolved*, That the committee to be appointed to take into consideration the petition of John L. Thorndike and others upon the subject of itinerant traders and pedlars and all other petitions on the subject, shall consist of ten members.

On motion of Mr. McDaniel—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of enacting a law to prevent the sale of ardent spirits in the several towns in this State on all election days under the penalties and agreeably to the two first sec-

tions of an act entitled an act to prevent the disturbance of Religious meetings, passed July 1, 1825.

On motion of Mr. Spaulding of Nashua—

*Resolved*, That the committee on Banks be directed to inquire into the expediency of providing by law, that after the first day of January next, no director of any bank in this State shall at any time be indebted to said bank either as principal or surety on any loan made by said bank beyond five per cent of the capital stock actually paid in.

Mr. St. Clair of Deerfield gave notice that he will to-morrow ask leave to introduce a bill entitled an act to repeal certain acts therein named in relation to the New Hampshire Asylum for the Insane.

On motion of Mr. Parker of Fitzwilliam—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of revising the Statute laws of this State.

Mr. Quincy introduced the following preamble and resolution: Whereas the preservation of the State Records is a matter of great importance, and whereas it has been found difficult, if not impracticable to preserve the Journals of the two Houses of the Legislature in a printed form, and whereas no written Journals of the Senate and House of Representatives have been filed in the office of the Secretary of State from the year 1830 to the year 1837;

Therefore—

*Resolved by the Senate and House of Representatives*, in General Court convened, That His Excellency the Governor be authorized and requested to employ some suitable person to make fair and legible copies of the said Journals for the years 1831, 2, 3, 4, 5, 6, to be deposited in the office of the Secretary of State, and that the person so employed be allowed for his services at the rate of compensation as is now allowed to the Clerks of the two Houses, for the copies annually deposited by them in said office.

Which was read a first time—

On motion of Mr. Quincy—

*Ordered*, That the resolution be read a second time to-morrow forenoon at eleven o'clock.

Mr. Smith of Bradford, from the committee on Unfinished Business, made a report;

Whereupon—

*Resolved*, That the bill entitled an act to abolish imprisonment for debt, be referred to the committee on the Judiciary.

Mr. Smith of Bradford from the committee on Unfinished Business, made a further report;

Whereupon—

*Resolved*, That the bill entitled an act to remove one term of the Court from Concord, and establish the same at Hopkinton, be referred to a select committee consisting of the delegation from the county of Merrimack.

Mr. Smith of Bradford, from the committee on Unfinished Business, made a further report;

Whereupon—

*Resolved*, That the petition of Nathaniel and Franklin Davis to be severed from the town of Gilsford, and annexed to the town of Meredith, be referred to the committee on Towns and Parishes.

Mr. Warner of Whitefield gave notice that he will to-morrow ask leave to introduce a bill entitled an act regulating the times of holding the Probate Courts in the county of Coos.

On motion of Mr. Ela of Meredith—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law in relation to the transfer of personal property by mortgage, as to make it necessary that the mortgager and mortgagee shall make oath to the amount due on the mortgage at the time the same is given in order to give the mortgagee any lien upon the property.

On motion of Mr. Parker of Fitzwilliam—

The House proceeded to the consideration of the bill regulating imprisonment for debt;

Which was read a second time.

*Ordered*, That it be referred to the committee on the Judiciary.

On motion of Mr. Quincy—

*Resolved*, That the committee on Banks be instructed to report a bill providing for the examination of the several banks in this State.

On motion of Mr. Warner of Whitefield;

*Resolved*, That the Clerk be directed to procure copies of the Rules of the Senate and House of Representatives for those members, who have not been furnished with the same;

On motion of Mr. Latham—

The House adjourned.

WEDNESDAY, JUNE 10, 1840.

Agreeably to the rules of the House the Speaker announced the appointment of the following

**SELECT COMMITTEES;**

To take into consideration sundry petitions in relation to itinerant traders and pedlars;

Messrs. Jenness of Portsmouth, Frost of Middleton, Bellows of Walpole, Smith of Haverhill, Thompson of Salem, Towle of Freedom, Silsby of Acworth, Gilman of Exeter, Morrill of Bos-cawen, Palmer of Marlow.

On so much of the Governor's Message as relates to a Geological and Mineralogical survey of the State;

Messrs. Burnham of Durham, Coolidge of Chesterfield, Patten of Hancock, Dinsmoor of Derry, Carter of Concord, Putnam of Croydon, Cheney of Groton, Green of Berlin.

**On the Insane Hospital.**

Messrs. Swasey of Haverhill, Wilson of Keene, Durgin of Sandbornton, Farley of Hollis, Currier of Newton, Garland of Loudon, Willey of Goshen, Ballou of Dalton.

Mr. Hatch of Exeter presented the petition of John Low and others, praying for the repeal of the law authorizing corporations to vote by proxy;

Mr. Swasey presented the petition of Joel Angier Jr. and forty-two others, for an alteration of the laws for the assessment of taxes;

Mr. Gilman presented the petition of Robert Cross and others;

Mr. Stickney presented the petition of Seth Clark and 28 others, praying for the repeal of the law, passed, June session 1838, authorizing members of the Rockingham Mutual Fire Insurance Company to vote by proxy;

*Ordered*, That said petitions be referred to the committee on the Judiciary:

Mr. Monroe of Hillsborough presented the petition of William Colyer Mugford for the alteration of his name;

Mr. Chase of Washington presented the petition of Jane L. Melvin and others, for the alteration of a name;

Mr. Thom of Conway presented the petition of Gersham Al-lard for the alteration of a name;

Mr. Copp presented the petition of Nathaniel Willard and others, for the alteration of their names.

*Ordered*, That said petitions be referred to the committee on the alteration of Names.

Mr. Cross presented the petition of George W. Bagley and 89 others, members and officers of the Nashua Artillery Company, for guns from the State;

Also the petition of Israel Hunt Jr. and 56 others, praying for the same object;

*Ordered*, That said petitions be referred to the committee on Military Affairs.

Mr. Barron of Peeling presented the petition of the inhabitants of Peeling, praying to be disannexed from the town of Ellsworth, and have the privilege of sending a representative to the General Court.

*Ordered*, That it be referred to the committee on Elections.

Mr. Barron of Peeling presented the petition of the inhabitants of Peeling, praying that the name of the town may be altered to Woodstock.

*Ordered*, That it be referred to the committee on Towns and Parishes.

Mr. Moses of Portsmouth presented the account of the Commissary General.

*Ordered*, That it be referred to the committee on Military Accounts.

Mr. Whitcomb presented the account of Elijah Carpenter;

*Ordered*, That it be referred to the committee on Claims.

Mr. Wells presented the account of Rix and Whittemore;

*Ordered*, That it be referred to the committee on Printer's Accounts.

Mr. Winter presented the petition of Samuel Bean and ten others;

Mr. Gilman presented the petition of John Gardner and 59 others, praying further legislative action in relation to hawkers and pedlars.

*Ordered*, That said petitions be referred to the select committee on that subject.

Mr. Hatch presented the annual report of the directors of the Boston and Maine Rail Road for 1840.

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Mr. Treadwell presented the remonstrance of Samuel Shaw and others, citizens of Kensington, against the right of John T. Blake to a seat in this House.

Mr. Ayer called for the reading of the remonstrance, which was read—

Mr. Dodge moved that the remonstrance lie on the table, and the Clerk be directed to furnish a copy of the same to the sitting member.

Mr. Hoskins called for a division of the question, on the question, shall the remonstrance lie on the table?

It was decided in the affirmative.

And on the question, shall the Clerk be directed to furnish the sitting member with a copy of the same?

It was decided in the affirmative.

Mr. Smith of Bradford, from the committee on Unfinished Business, made a report,

Whereupon—

*Resolved*, That the petition of Robert Harvey and others, praying that they may be authorized to erect a bridge across the Connecticut river from Lyman in this State to Barnet in the State of Vermont, be referred to the standing committee on Roads, Bridges and Canals.

Mr. Parker of Fitzwilliam, from the committee on Education to whom was referred the petition of John Couch Jr. and others, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to bring in a bill.

Mr. Treadwell, from the committee on Roads, Bridges and Canals, to whom was referred the report of the directors of the Granite Bridge, made a report,

Whereupon—

*Resolved*, That the report be placed on file in the office of the Secretary of State.

Mr. Dame, from the joint select committee appointed to fix on a time for the adjournment of the Legislature the present session, reported the following resolution:

*Resolved by the Senate and House of Representatives in General Court convened*, That the business of the present session may be brought to a close on Saturday the twentieth day of June instant.

Mr. Ayer moved that the resolution lie on the table,

And the question being put,

It was decided in the negative.

Mr. Quincy moved to amend the resolution by striking out the words "Saturday the twentieth" and inserting instead thereof, "Monday the fifteenth."

Mr. Sawyer of Nashua moved that the amendment be amended by striking out the words "Monday the fifteenth," and inserting instead thereof "Saturday the thirteenth."

Mr. St. Clair moved that the resolution lie on the table.

And on the question being put,  
It was decided in the negative.

On the question, shall the amendment to the amendment be adopted?

It was decided in the negative.

And on the question, shall the amendment be adopted?

Mr. Quincy called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Tompkins	Harmon
Carrier of Chester	Dame
Cotton	Sanborn of Gilford
Jenness of Deerfield	Wilson of Lee
Betton	Davis
Sanborn of East Kingston	Norris of New Hampton
Gilman	Howard of Rochester
Dodge	Wentworth
Blake	Copp
Thayer	Whitton
Furber	Thompson of Wolfeborough
Currier of Newtown	Perkins of Allenstown
George of Plaistow	Little of Boscawen
Jenness of Portsmouth	Smith of Bradford
Kelsey	Carter
Brown of South Hampton	Burley of Franklin
Simpson	Gould
Hill of Alton	Woods
McDuffie	Ayer
McDaniel	Patterson
Thom	Barnard
Sawyer of Dover	Stevens of Newbury
Townsend	Trussell
Horne	Page of Sutton
Drew	Whittemore of Antrim

French of Bedford	Stevens of Claremont
Bailey	Bingham
Goodale	Willey
Baker of Hillsborough	Walker of Langdon
Monroe	Smith of Lempster
Farley	Chase
Cross	George of Wendall
Odell	Weeks of Canaan
Bruce	Merrill
Sawyer of Nashua	Blaisdell
Beard	Smith of Haverhill
McMillen	Swasey
Gibson	Dickerson of Hill
Ames	Cox
Burt	Noyes
Woodbury	Latham
Whittemore of Wilton	Learned
Kingsbury	Quincy
Tedor	Peabody
Bennett	Tuttle
Meacham	Young of Eroot
Warland	

Those who voted in the negative are—Messrs.

Knight	Crawford
Robinson of Brentwood	Robinson of Poplin
Richardson	Lord
St. Clair	Treadwell
Dinsmoor	Moses
Freese	Langdon
Hatch of Exeter	Poor of Raymond
Berry of Greenland	Jenness of Rye
Lane	Thompson of Salem
Towle of Hampton	Brown of Seabrook
White	Fifield
Vennard	Walker of Barnstead
Hilton	Jenkins
Stickney	Burleigh of Brookfield
Batchelder of North Hampton	Libbey
Hill of Northwood	Burnham

Wedgewood	Stevens of Goffstown
Towle of Freedom	Whittemore of Greenfield
Lawrence	Patten
Edgerly	Marsh
Leavitt of Gilman	Boardman
Durrell	Stark
Ela of Meredith	Morrison
Eastman	Hill of Mason
Berry of Milton	Moore of Milford
Frost	Spaulding
Shannon	Baldwin
Locke of New Durham	Smith of New Ipswich
Witham	Moor of Peterborough
Taylor	McCoy
Durgin	Wheeler
Curry	Whittaker
Perkins of Strafford	Coolidge
Weeks of Strafford	Piper
Randall	Parker of Fitzwilliam
Griffin	Smith of Gilsum
Morrill of Somersworth	Patrick
Hall	Wilson of Keene
Haley	Chamberlain
Scribner	Palmer
Morrill of Boscawen	Batchelder of Marlborough
Messer	Atwood
Morrill of Canterbury	Weeks of Richmond
Leavitt of Chichester	Converse
Shute	Buckminster
Hoit of Concord	Copeland
Perley	Mason
Martin	Hayward
Garland	Whitcomb
Cate	Baker of Troy
George of Salisbury	Bellows
Pattee	Hoskins
Watkins	Humphrey
Currier of Wilmot	Silsby
Wallace	Breck
Bixby	Putnam
Poor of Goffstown	Bean

Hatch of Newport	Ely of Littleton
Forsaith	Stevens of Lyman
Howard of Springfield	McGrath
Locke of Alexandria	Perrin
Carbee	Barron
Wilcomb	Webster
Hoit of Bridgewater	Whidden
Brown of Bristol	Little of Warren
Winter	Pitman
Page of Coventry	Whittemore of Colebrook
Rand	Dustin
Blodgett	Smith of Carroll
Adams	Young of Stewartstown
Knapp	Perkins of Jackson
Cheney	Wells
Allen	Smith of Milan
Lathrop	Green
Parker of Lisbon	French of Stratford
Parker of Littleton	Warner

Ayes 95. Noes 155.

So the question was decided in the negative.

Mr. Smith of Bradford moved to amend the resolution by striking out the words "Saturday the twentieth" and inserting instead thereof, "Thursday the eighteenth."

On motion of Mr. Ayer—

The House adjourned.

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### AFTERNOON.

The House proceeded to the order of the day upon the bill entitled an act to repeal an act entitled an act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice President of the United States, approved January 7, 1837.

*Resolved*, That the bill pass, and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

The House proceeded to the consideration of the amendment of the resolution fixing upon a time for the adjournment of the two Houses the present session.

On the question, shall the amendment be adopted?

It was decided in the negative.

And on the question, shall the resolution as reported by the committee pass?

It was decided in the affirmative.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Jenness of Portsmouth—

The House resumed the consideration of the resolution of the committee on Unfinished Business, to whom was referred a bill entitled an act in addition to the several acts to incorporate the Eastern Rail Road in New Hampshire;

Which is as follows—

*Resolved*, That said bill be referred to the committee on the Judiciary.

Mr. Jenness moved that the resolution be amended by striking out the words "the Judiciary," and inserting instead thereof "Roads, Bridges, and Canals."

And the question being put—

It was decided in the affirmative.

And on the question, shall the resolution pass?

It was decided in the affirmative.

Pursuant to a resolution of the House the Speaker submitted the report of the Adjutant General.

Which was read—

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Wells submitted the following resolutions—

*Be it resolved by the Senate and House of Representatives in General Court convened*, that there be erected in the town of Lancaster in the county of Coos under the superintendance of a proper person to be appointed by the Governor and Council a suitable building to be kept and used exclusively for a State Arsenal, and that the Commissary General upon the completion thereof, cause to be deposited in said Arsenal and kept for use in case of invasion eighteen hundred muskets and bayonets, two hundred rifles and two mounted six pounders, with a proper supply of cartridges, bullets, shot balls and apparatus, the same to be un-

der the care of a Deputy, whom said Commissary General is hereby authorized to appoint the said Deputy to give satisfactory bonds to said Commissary General for the faithful discharge of his duty, and to receive such compensation as the Legislature shall from time to time allow.

*And be it further resolved*, that the sum of one thousand dollars be appropriated for the purpose of a site and the erection of said arsenal, and that the Governor is hereby directed to draw his warrant on the Treasurer of the State for the same or for so much thereof as may be necessary to defray the expenses thereof.

Which was read a first time—

*Ordered*, That said resolution be referred to the committee on Military Affairs.

The House resumed the consideration of the bill entitled an act allowing to the 4th Company of Infantry in the 31st Regiment an additional number of State arms;

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

On motion of Mr. Quincy—

*Resolved*, That the House are now ready to meet the Senate in Convention for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Page of Coventry gave notice that he will to-morrow ask leave to introduce a bill entitled an act in amendment of an act in addition to an act entitled an act for laying out highways, passed July 3, 1829.

Pursuant to previous notice and by leave, Mr. Swasey introduced a bill entitled an act to repeal an act incorporating the proprietors of the Coventry Turnpike Road in New Hampshire;

Which was read a first and second time.

On motion of Mr. Swasey—

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Pursuant to previous notice and by leave Mr. Sawyer of Nashua introduced a bill entitled an act to amend the laws regulating divorces;

Which was read a first and second time.

On motion of Mr. Sawyer—

*Ordered*, That it be referred to the committee on the Judiciary;

Mr. Spaulding of Nashua introduced the fifth annual report of the Nashua and Lowell Rail Road Corporation.

On motion of Mr. Treadwell—

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

### IN CONVENTION.

The Senate and House of Representatives being assembled in convention in the Representative's Hall;

On motion of Mr. Treadwell of the House—

The Convention proceeded by ballot to the choice of Secretary of State, and Josiah Stevens, Jr. Esq. was elected.

On motion of Mr. Comerford of the Senate—

The Convention proceeded by ballot to the choice of Treasurer, and Zenas Clement Esq. was elected.

On motion of Mr. Brown of the Senate—

The Convention proceeded by ballot to the choice of a Commissary General, and Theodore F. Rowe was elected.

On motion of Mr. Treadwell of the House—

The Convention rose and the Senate withdrew.

On motion of Mr. Warner, the House proceeded by ballot to the choice of State Printer, and Cyrus Barton Esq. was elected.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Ayer of Hooksett gave notice that he will to-morrow ask leave to introduce a bill to repeal the second section of an act in addition to the several laws of this State for laying out highways, approved July 2d, 1838.

The House resumed the consideration of the Message of His Excellency the Governor communicating the report of the Bank Commissioner upon the affairs of the Concord Bank.

On motion of Mr. St. Clair—

*Ordered*, That it be referred to the committee on Banks.

A message in writing from His Excellency the Governor was received by the Secretary of State, which was read and is as follows :

*"To the Hon. Senate and House of Representatives.*

I herewith enclose the report of the Commissioners of the Literary Fund agreeably to the Act of June 29, 1821.

JOHN PAGE.

Executive Department,

June 10, 1840."

}

Mr. Parker of Fitzwilliam moved that His Excellency's message with the accompanying report be referred to the committee on Banks;

And the question being put—

It was decided in the negative.

Mr. Wentworth moved that they be referred to the committee on Education.

And the question being put—

It was decided in the affirmative.

The House resumed the consideration of the remonstrance of Samuel Shaw and others, citizens of Kensington, against the right of John T. Blake to a seat in this House;

On motion of Mr. Treadwell—

*Ordered*, That it be referred to the committee on Elections.

Mr. Knapp of Franconia gave notice, that he will to-morrow ask leave to introduce a bill to repeal so much of an act entitled "An act in addition to an act providing for the regulation and government of the State Prison, passed January 13, 1837," as requires the Warden of the State Prison to be chosen by joint of the Senate and House of Representatives in Convention.

On motion of Mr. Hill of Northwood—

*Resolved*, That the committee on Education be instructed to inquire into the expediency of passing an act making a more equal distribution of school money among the several districts in the towns of this State.

On motion of Mr. Latham—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law regulating the taking of depositions to be used on the trial of civil causes, so that it shall be lawful in case of the absence of the Justice of the Peace before whom such depositions were notified to be taken, for any other Justice of the Peace to take such depositions at the time specified in such notification.

On motion of Mr. Wallace—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of making provision by law, requiring that all committees appointed by the Courts to lay out highways in this State be sworn faithfully and impartially to discharge the duties of said office, and that a certificate of said oath or oaths be annexed to and made a part of such report.

On motion of Mr. Little of Boscowen—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of altering the law in relation to the

distribution of intestate estates, so far as in case such intestate has no lineal descendants to authorize the Judges of Probate to take into consideration the agency the widow may have had in accumulating such estate and to assign to her an equitable proportion, and report by bill or otherwise.

Mr. Bruce submitted the following resolution—

*Resolved, by the Senate and House of Representatives in General Court convened, That the Treasurer of this State be and hereby is authorized and directed to collect the amount due the State on the bond of Jasper Elkins and others;*

Which was read a first time.

*Ordered, That it be read a second time to-morrow forenoon at eleven o'clock.*

On motion of Mr. Warner—

*Resolved, That a committee be appointed on the part of the House with such as the Senate may join, to wait upon Josiah Stevens Jr. and inform him of his election to the office of Secretary of State, upon Zenas Clement and inform him of his election to the office of Treasurer, and upon Theodore F. Rowe, and inform him of his election to the office of Commissary General, for the ensuing year, and if they accept of the several offices to receive of them the customary bonds, and lay the same before the House.*

*Ordered, That Messrs. Warner, Wedgewood and Morrill of Boscawen be the committee.*

*Ordered, That the Clerk inform the Senate thereof.*

A message from the Senate by their Clerk:

“Mr. Speaker—The Senate have on their part chosen Cyrus Barton, Public Printer for the ensuing year.”

Mr. Treadwell submitted the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened, That the Secretary of State be directed to procure the printing of the public acts and resolves, in the Granite State Democrat, printed at Exeter.*

Which was read a first time.

*Ordered, That it be read a second time to-morrow forenoon, at eleven o'clock.*

On motion of Mr. Treadwell—

The House adjourned.

THURSDAY, JUNE 11, 1840.

Mr. Sawyer of Dover presented the petition of the firewards and inhabitants of Dover, praying for an additional number of Engine men.

*Ordered*, That it be referred to the committee on the Judiciary.

Mr. Sawyer of Dover presented the petition of the Strafford Guards, the first company of Light Infantry in the second regiment of militia, praying for two additional officers.

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. McGrath presented the petition of the town of Orange, praying to have that part of Canaan, lying on the east side of the line of Canaan as first surveyed by the proprietors, annexed to Orange.

*Ordered*, That it be referred to the committee on Towns and Parishes;

Mr. Towle of Hampton presented the petition of John Johnson, a citizen of Hampton, praying for further legislation on the subject of rail roads crossing public highways and rivers;

Mr. Stickney presented the remonstrance of George W. Kittredge and 144 others, citizens of New Market against any further obstructions to the navigation of the Piscataqua river and against the extension of the Eastern Rail Road to Dover;

Mr. Batchelder of North Hampton presented the remonstrance of Jeremiah S. Rollins and others, inhabitants of North Hampton against any act of incorporation being granted for a rail road connecting the Eastern Rail Road with the Exeter and Haverhill Rail Roads.

*Ordered*, That said petitions be referred to the committee on Roads, Bridges and Canals.

Mr. Pitman presented the account of John P. Pitman;

Mr. Hoskins presented the account of Josiah Stevens, Jr.

*Ordered*, That said accounts be referred to the committee on Claims.

Mr. Ayer from the committee on Finance, to whom was referred a resolution directing a bill providing for the compensation of the officers of the civil list, reported a bill entitled "An act providing for the compensation of the officers of the civil list,"

which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Baker, from the committee on the Judiciary, to whom was referred the petitions of the towns of Freedom and Effingham for leave to surrender the charter of a toll bridge across the Ossipee river, reported a bill entitled "An act to repeal an act to incorporate certain persons by the name of the proprietors of the Ossipee Bridge.

Which was read a first time.

*Ordered*, That it be read a second time at eleven o'clock this forenoon.

Mr. Baker, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending an act for the punishment of certain crimes by solitary imprisonment, reported a bill entitled "An act in addition to and in amendment of an act entitled an act for the punishment of certain crimes by solitary imprisonment and confinement to hard labor, passed January 2, 1828,"

Which was read a first time,

*Ordered*, That it be read a second time at eleven o'clock this forenoon.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred the petition of Nathaniel Ware and others, praying that certain lots in Landaff may be set off to school district No 2, in Lincoln, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to bring in a bill.

Mr. Hoit of Bridgewater, from the committee on Towns and Parishes, to whom was referred the petition of James Willey to have his farm disannexed from the town of Albany and annexed to the town of Conway, made a report,

Whereupon—

*Resolved*, That the petitioner have leave to withdraw his petition.

Mr. Hoit of Bridgewater, from the committee on Towns and Parishes, to whom was referred the petition of Daniel McNiel, reported a bill entitled "An act to sever a part of the farm of Daniel McNiel from the town of Alton and annex the same to the town of Barnstead,"

Which was read a first time.

Mr. St. Clair moved that the bill lie upon the table.  
And the question being put—

It was decided in the negative.

The bill was then read a second time.

On motion of Mr. Hoit of Bridgewater—

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Parker of Lisbon, from the committee on Incorporations, to whom was referred the petition of the Selectmen of Claremont and officers of Engine Company No. 1, for an additional number of Engine men, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to bring in a bill.

Mr. Parker of Lisbon, from the committee on Incorporations, to whom was referred the bill to incorporate the first Christian Society in Portsmouth, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be indefinitely postponed.

Mr. St. Clair, from the committee on Elections, to whom was referred the petition of the inhabitants and legal voters of the town of Danville for the privilege of sending a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. Stickney, from the committee on Roads, Bridges and Canals, to whom was referred sundry petitions on the subject of the Eastern Rail Road Corporation, and praying for further legislation on that subject, reported a bill entitled "An act in addition to an act providing for the assessment of damages for land taken by Rail Road Corporations, passed January 13, 1837,"

Which was read a first and second time.

Mr. Sawyer of Nashua moved that the bill be amended by striking out the second section thereof.

On motion of Mr. Treadwell—

*Ordered*, That the bill be referred to the committee on the Judiciary.

Mr. Cate, from the committee on Military Affairs, to whom were referred sundry petitions, praying for a division of the 24th regiment, reported a bill,

Which was read—

Mr. Cate moved that the bill be read a second time at the present time.

Mr. Wentworth moved that the bill be laid upon the table.

And the question being put,

It was decided in the negative.

On the question, shall the bill be read a second time?

It was decided in the affirmative.

The bill was then read a second time.

Mr. Cate moved to amend the bill by prefixing the following words, namely, "An act to constitute the forty-second regiment of New Hampshire Militia,"

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

*Ordered*, That the bill be read a third time to-morrow afternoon at three o'clock.

Mr. Bennett, from the committee on Elections, to whom was referred the petition of William French and others, legal voters of Sandown, praying for the exclusive privilege of sending a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

The House proceeded to the order of the day upon bills of the following titles, and the following resolutions, to wit :

"An act to repeal an act to incorporate certain persons by the name of the proprietors of the Ossipee Bridge."

"An act in addition to and in amendment of an act entitled an act for the punishment of certain crimes by solitary imprisonment and confinement to hard labor, passed January 2, 1828."

"A resolution directing the collection of the claim of the State upon the bond of Jasper Elkins and others."

"A resolution directing the printing of the public acts and resolves in the Granite State Democrat."

Which were severally read a second time.

*Ordered*, That they be read a third time to-morrow afternoon at three o'clock.

The House proceeded to the order of the day upon the resolution providing for the preservation of the State records,

Which was read a second time—

On the question, shall the resolution be read a third time?

It was decided in the negative.

The House resumed the consideration of the bill entitled an

act relating to Railroad Corporations and securing to land owners the quiet and peaceable possession of their property.

On motion of Mr. Treadwell—

*Ordered*, That it be referred to the committee on the Judiciary.

On motion of Mr. Spaulding of Nashua—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, that all paupers who have not acquired a settlement since the year 1796, and have no derivative settlement from any ancestor acquired prior to that time, should be supported at the charge of the County in which they have resided for the term of six months last before the time when they became in need of relief, as if they had no such residence then in the County, when their next ancestor, who resided in this State had lived at that period.

Mr. Perkins of Jackson submitted the following resolution—

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of altering the law, so that the officers and soldiers shall draw travelling fees on muster days, instead of the one dollar, and that they be paid out of the State Treasury.

And on the question, shall the resolution be adopted ?

It was decided in the negative.

Mr. Hall of Tamworth submitted the following resolution—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the act passed July 4, 1838, entitled an act in amendment of and in addition to an act, entitled an act providing for the disposition of the public money of the United States, which shall be deposited with this State, approved January 13, 1837.

And on the question, shall this resolution be adopted ?

It was decided in the negative.

A message from His Excellency the Governor, was received by the Secretary of State which was read and is as follows;

“ *To the Hon. Senate and House of Representatives—*

I herewith transmit the Adjutant General’s annual return of the Militia of New Hampshire together with the Commissary General’s and Quarter Master General’s return.

JOHN PAGE.

Executive Department, }  
June 11, 1840.” }

On motion of Mr. Hoskins—

*Ordered*, That the message of His Excellency together with the accompanying documents be referred to the committee on Military Affairs.

On motion of Mr. Cate—

*Resolved*, That the committee on Roads, Bridges and Canals be instructed to inquire into the expediency of conferring by law the discretionary power upon road committees, when called out to examine into the practicability of laying out a new highway, or altering old ones, of ordering the cutting down of hills on the old highway to a given depth, when in their opinion such a course would better promote the public interest, than the laying out of such new highway.

Mr. Spaulding of Nashua submitted the following resolution—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing that when any town shall order and direct the money raised for the repair of highways to be collected in the same manner as State taxes are collected, that the taxes against non-residents shall be collected in the same manner as those against residents.

And on the question, shall the resolution be adopted?

It was decided in the negative.

A message from the Senate by their Clerk :

“ Mr. Speaker—The Senate concur with the House of Representatives in the appointment of a joint select committee to wait upon the Secretary, Treasurer and Commissary General elect and inform them of their respective elections, and have on their part joined Mr. Nettleton.

The Senate concur with the House of Representatives in the passage of a bill entitled an act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice President of the United States.”

On motion of Mr. Dodge—

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of enacting a law making Railroad Corporations liable for damages occasioned by fire from their locomotives.

On motion of Mr. Smith of Bradford—

The House adjourned.

## AFTERNOON.

The House proceeded to the order of the day upon a bill entitled an act allowing to the fourth company of Infantry in the 31st Regiment an additional number of State arms.

Which was read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Hall of Tamworth—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the constitutionality of the law passed July 4, 1838, entitled an act in amendment of an act in addition to an act entitled an act providing for the disposition of the public money of the United States, which shall be deposited with this State, approved January 13th, 1837.

On motion of Mr. Bruce—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law granting to overseers of the poor further control over the persons and property of paupers.

Mr. Berry of Greenland, by leave, presented sundry resolutions concerning the Eastern Railroad, passed by the town of Greenland, March 10, 1840.

Which were read.

Mr. Treadwell moved that the resolutions lie on the table.

And the question being put,

It was decided in the negative.

*Ordered*, That they be referred to the committee on Roads, Bridges and Canals.

Pursuant to previous notice and by leave, Mr. Stevens of Claremont introduced a bill entitled "An act authorising an increase of members of Engine Company No. 1, in Claremont."

Which was read a first and second time.

*Ordered*, That it be referred to the committee on Bills on their second reading.

Pursuant to a report of the committee on Education, to whom was referred the petition of John Couch and others, Mr. Little of Boscawen introduced a bill entitled an act to incorporate School District No. 12, in Warner.

Which was read a first and second time—

*Ordered*, That it be referred to the committee on bills on their second reading.

Pursuant to a report of the committee on Education, to whom was referred the petition of Nathaniel Ware and others, Mr. Noyes introduced a bill entitled an act to annex a certain tract of land in Landaff to District No. 2, in Lincoln for the purpose of schooling.

Which was read a first time—

*Ordered*, That it be read a second time to-morrow forenoon at eleven o'clock.

On motion of Mr. Shannon—

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of passing a law to prevent Banks from receiving interest on notes due said Bank during the suspension of specie payment.

Pursuant to previous notice and by leave, Mr. Page of Coventry introduced a bill entitled an act in addition to an act entitled an act for laying out highways, passed July 3, 1829.

Which was read a first and second time.

*Ordered*, That it be referred to the committee on the Judiciary.

Pursuant to previous notice and by leave, Mr. Ayer introduced a bill entitled an act to repeal the second section of an act in addition to the several laws of this State for laying out highways, approved July 2d, 1838.

Which was read a first time—

On the question, shall this bill be read a second time?

It was decided in the negative.

Mr. Cate, from the committee on military affairs, to whom were referred the resolutions authorizing the erection of an Arsenal at Lancaster, and making an appropriation for that purpose, reported the same with amendments;

Which were read and adopted—

*Ordered*, That the resolutions be read a third time to-morrow afternoon at three o'clock.

On motion of Mr. Warner—

The House adjourned.

FRIDAY, JUNE 12, 1840.

Mr. Brown of South Hampton presented the memorial of Jacob Green and fifty-seven others, inhabitants of Seabrook and Hampton Falls, remonstrating against the unlimited and arbitrary powers assumed by the Eastern Rail Road Corporation.

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals,

Mr. Barnard presented the petition of Horace Chase and others, praying for an act of incorporation by the name of the Hopkinton Village Aqueduct Association.

*Ordered*, That it be referred to the committee on Incorporations.

Mr. Cox of Holderness presented the petition of the Field officers of the 14th Regiment for the removal of officers;

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred so much of His Excellency's message as relates to deaf, dumb, and blind persons, reported the following resolution.

*Resolved by the Senate and House of Representatives, in General Court convened*, That the sum of fifteen hundred dollars be and the same is hereby appropriated for the education of indigent deaf, and dumb persons of this State, at the Asylum at Hartford, and the sum of one thousand dollars for the purpose of educating indigent blind and partially blind persons of this State at the institution for the blind at Boston, that said sums respectively be expended and applied for the benefit of such and so many of those persons, as His Excellency the Governor shall elect and approve, and the Governor be and he is hereby authorized to draw said sums from the Treasury by warrant;

Which was read a first time—

*Ordered*, That it be read a second time this forenoon at eleven o'clock.

Mr. Smith of Bradford, from the committee on Unfinished Business, to whom was referred the bill entitled an act providing for the appointment of a Reporter of the decisions of the Superior Court of Judicature, made a report;

Whereupon—

*Resolved*, That the further consideration of said bill be referred to the committee on the Judiciary.

Mr. Smith of Bradford, from the committee on Unfinished Business, to whom was referred the resolution instructing the Judiciary committee to inquire into the expediency of amending the law providing for the return of the proceedings of magistrates, before whom the poor debtor's oath shall be taken;

Also of amending the law regulating the service of Trustee writs;

Also of amending the law providing for the appointment of Auditors in certain cases, made a further report;

Whereupon—

*Resolved*, That said resolutions be referred to the committee on the Judiciary.

Mr. Cate, from the committee on Military Affairs, to whom was referred the petition of the Artillery Company in the 2d Regiment for an appropriation for a gun house, made a report;

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. Lawrence, from the committee on Military accounts to whom was referred the account of William McIntire, reported the following resolution;

*Resolved by the Senate and House of Representatives in General Court convened*, That William McIntire be allowed the sum of five dollars in full of his account, to be paid out of any money in the Treasury not otherwise appropriated;

Which was read a first time.

*Ordered*, That it be read a second time this forenoon at eleven o'clock.

Mr. Hoskins, from the committee on Printer's accounts, to whom was referred the account of Rix and Whittemore, made a report;

Whereupon—

*Resolved*, That they have leave to withdraw their petition.

Mr. Dame, from the committee on Unfinished Business, to whom was referred the petition of Simeon Cram and others, inhabitants of Dalton praying for the privilege of sending a Representative to the General court, made a report;

Whereupon—

*Resolved*, That said petition be referred to the committee on Elections.

Mr. Dame from the committee on Unfinished Business, to whom was referred the petition of Solomon Jessaman and others, inhabitant of the town of Franconia, praying for the privilege of

sending a Representative to the General court, made a further report;

Whereupon—

*Resolved*, That said petition be referred to the committee on Elections.

Mr. Dame, from the committee on Unfinished Business, to whom was referred the petition of Eliphalet Hunt and others, inhabitants of Sandown, praying for the privilege of electing a Representative to the General court, made a report;

Whereupon—

*Resolved*, That said petitions be referred to the committee on Elections.

Mr. Baker from the committee on the Judiciary, who were instructed to report a bill providing for the return of inventories by leave, reported a bill entitled an act providing for the return of inventories.

Which was read a first and second time;

On motion of Mr. Wells—

*Ordered*, That it be referred to a select committee of one from each county;

Mr. Baker, from the committee on the Judiciary, to whom was referred an act relating to Rail Road corporations;

Also an act in addition to an act entitled an act providing for the assessment of damages for land taken by Rail Road corporations, passed January 13, 1837;

Also sundry petitions relating to the Eastern and to the Boston and Maine Rail Roads, reported a bill entitled an act relating to Rail Roads and other corporations;

Which was read a first and second time.

*Ordered*, That it be laid upon the table and be made the special order of the day for Thursday next, and that the Clerk be directed to procure three hundred printed copies for the use of the House.

Mr. Wells from the committee on Banks, to whom was referred a resolution instructing them to inquire into the expediency of passing a law to prevent banks from receiving interest on notes due said Banks during the suspension of specie payments, made a report;

Whereupon—

*Resolved*, That it is inexpedient to legislate upon that subject.

A message from His Excellency the Governor was received by the Secretary of State, which was read, and is as follows:

*“To the House of Representatives—*

I herewith transmit the Report of the Bank Commissioners relative to the Concord Bank, made in pursuance of a resolve of the House of June 8, 1840.

JOHN PAGE.

Council Chamber, }  
June 13, 1840. }

Mr. Parker of Fitzwilliam called for a reading of the report of the Bank Commissioners;

Which was read.

On motion of Mr. Weeks—

*Ordered*, That the message of His Excellency the Governor with its accompanying report lie upon the table, and that the Clerk be directed to procure five hundred printed copies for the use of the House.

The House proceeded to the order of the day upon a bill entitled an act to annex a certain tract of land in Landaff to school district No 2, in Lincoln;

Which was read a second time.

Mr. Parker of Fitzwilliam, moved to amend the bill by striking out the word “that” in the fourth line of the first section;

On motion of Mr. Stevens of Claremont;

*Ordered*, That the bill be referred to the committee on Bills on their Second Reading.

The House proceeded to the order of the day upon the following resolutions :

“A resolution making an appropriation for the education of indigent deaf and dumb persons of this State in the Asylum at Hartford, and the Institution for the Blind at Boston,”

“A resolution in favor of William McIntire,”

Which were severally read a second time.

*Ordered*, That they be read a third time to-morrow afternoon at three o’clock.

A message from the Senate by their Clerk :

“Mr. Speaker,—The Senate concur with the House of Representatives in the passage of a bill entitled “An act allowing to the fourth company of Infantry in the thirty-first regiment, an additional number of State arms,”

The Senate have passed a bill entitled “An act to exempt the town of Newington from the operation of the provisions of the first section of an act providing for the division of towns into

school districts, and for the alteration of the limits of school districts in certain cases, passed July 6, 1839," in which they ask the concurrence of the House."

The House proceeded to the consideration of the foregoing bill, which came down from the Hon. Senate,

Which was read a first and second time.

*Ordered*, That it be referred to the committee on Education.

Mr. Knapp submitted the following resolution :

*Resolved*, That the standing committee on Banks be instructed to inquire into the expediency of reporting to this House a bill by which it shall be made unlawful for the directors of any bank in this State to elect, or (after the passage of such act) to continue in office any cashier, who may be in any manner connected with any one of the directors of such bank by blood or marriage.

And on the question,

Shall the resolution pass?

It was decided in the negative.

On motion of Mr. Smith of Bradford—

*Resolved*, That the use of the Representatives Hall be granted to the New Hampshire Legislative Temperance Society for the purpose of hearing an address from J. A. Bolles, Esq., at seven o'clock this evening.

On motion of Mr. Hoit of Bridgewater—

*Resolved*, That the House are now ready to meet the Senate in Convention for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.

On motion of Mr. Baker of Hillsborough—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law abolishing or regulating the right of corporations to vote by proxy.

Mr. McDaniel submitted the following resolution :

*Resolved*, That the Military committee be instructed to inquire into the expediency of providing for additional payment of officers of the militia, and report by bill or otherwise.

And on the question,

Shall the resolution be adopted?

It was decided in the negative.

Mr. St. Clair submitted the following resolution—

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of repealing the charter of the Wolfeborough Bank, and report by bill or otherwise.

Mr. Treadwell moved that the resolution be amended by insert-

ing after the words "Wolseborough Bank," the words "and Concord Bank."

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

On the question,

Shall the resolution as amended pass?

It was decided in the affirmative.

On motion of Mr. Bruce—

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of passing a law granting aid to the several cavalry companies in this State, and report by bill or otherwise.

The House proceeded to the consideration of the message of His Excellency the Governor, communicating the report of the Warden of the State Prison.

On motion of Mr. Quincy—

*Ordered*, That His Excellency's message with the accompanying documents be referred to the committee on the State Prison.

Mr. Dodge submitted the following resolution :

*Resolved*, That the standing committee on Roads, Bridges and Canals be instructed to report a bill requiring Rail Road Corporations to establish and continue a depot in each and every town and incorporated place through which they pass.

Mr. Ayer moved that the resolution be amended by striking out the words "instructed to report" and inserting instead thereof the words "required to take into consideration the expediency of reporting."

On the question,

Shall the amendment be adopted?

It was decided in the affirmative.

And on the question,

Shall the resolution as amended pass?

It was decided in the affirmative.

On motion of Mr. Wheeler of Temple—

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the laws, that the costs of the defendant may be secured to him when the plaintiff shall not support his action.

Mr. Freese submitted the following resolution :

*Resolved*, That the committee on Agriculture and Manufactures be instructed to inquire into the expediency of giving a certain premium for killing crows, and report by bill or otherwise.

On the question,  
Shall the resolution pass?

It was decided in the negative.

Mr. Woodbury gave notice that he will to-morrow ask leave to introduce a bill entitled "An act in addition to and in amendment of an act entitled an act in addition to an act empowering school districts to build and repair school houses, passed July 6, 1837,"

Mr. Morrison gave notice that he will to-morrow ask leave to introduce a bill in addition to an act entitled an act to incorporate the Amoskeag Falls Bridge.

On motion,

The House adjourned.

## AFTERNOON.

The House proceeded to the order of the day upon bills of the following titles and the following resolutions, to wit:

"An act to repeal an act to incorporate certain persons by the name of the proprietors of the Ossipee Bridge."

"An act providing for the compensation of the officers of the civil list."

"An act to sever a part of the farm of Daniel McNeil from the town of Alton and annex the same to the town of Barnstead."

"A resolution in favor of William McIntire."

"A resolution directing the collection of the claim of the State upon the bond of Jasper Elkins and others."

"A resolution directing the printing of the public acts and resolves in the Granite State Democrat."

"A resolution making an appropriation for the erection of an Arsenal at Lancaster."

Which were severally read a third time.

*Resolved*, That they pass and that their titles be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

The House proceeded to the order of the day upon the bill entitled "An act to constitute the forty-second regiment of New Hampshire militia,"

Which was read a third time.

A motion was made that the bill be postponed to the next session of the Legislature.

And on the question being put,  
It was decided in the negative.

Mr. French moved that the bill be put upon its second reading for the purpose of amendment,

And on the question being put,  
It was decided in the negative.

The question then recurring, shall the bill pass?  
It was decided in the affirmative.

*Resolved*, That its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

The House proceeded to the order of the day upon the bill entitled "An act for the punishment of certain crimes by solitary imprisonment and confinement to hard labor, passed January 2, 1828,"

Which was read a third time—

On motion of Mr. Weeks—

*Ordered*, That it lie on the table.

A message from the Senate by their Clerk:

"Mr. Speaker,—The Senate have passed a resolution rescinding the special order of the day fixing upon a time for the choice of an United States Senator in which they ask the concurrence of the House.

Which was read—

On motion of Mr. Baker—

*Resolved*, That the House concur with the Senate in the passage of said resolution.

*Ordered*, That the Clerk inform the Senate thereof.

#### IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall,

On motion of Mr. Gregg of the Senate—

The Convention proceeded by ballot to the choice of a Warden of the State Prison for the ensuing year, and Lawson Coolidge was elected.

On motion of Mr. Ayer of the House—

The Convention rose and the Senate withdrew.

On motion of Mr. Wilson—

*Resolved*, That the standing committee on Banks be instructed to inquire into the expediency of providing by law for a thorough examination of the condition of all the banks in this State by the directors of each of said banks at least once in each year; that such examination shall extend to an actual examination of all notes, bonds, mortgages and securities for money due to said banks; the names of the persons by whom such notes, bonds, mortgages and securities are signed; also all accounts, whether arising out of balances on book memorandum checks, or otherwise; also to an actual count of all cash on hand, and the evidence of all cash or other property on deposit in other banks or elsewhere; and that said directors shall make a return to the Secretary of State under oath, on or before the first Wednesday of June in each year, of the amount of all the liabilities of such bank; also the amount of all the assets and means of such bank to discharge its liabilities; and shall in their returns under oath as aforesaid, express their opinion of the character of the debts and demands due to such bank, whether good, doubtful or bad, and that said committee be authorized to report by bill or otherwise.

The House proceeded to the consideration of the bill entitled “An act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane,”

Which was read a second time,

Mr. Wells moved sundry amendments to the bill.

Mr. Baker moved that the bill and amendments be referred to the select committee on the subject of the Asylum for the Insane.

Mr. Jenness of Portsmouth moved that the bill and amendments be postponed to the twenty-fifth day of November next,

And the question being put—

It was decided in the negative.

The question recurring,

Shall the resolution and amendments be referred to the select committee on the subject of the Asylum for the Insane,

It was decided in the affirmative.

On motion of Mr. Ela of Meredith—

The House adjourned.

SATURDAY, JUNE 13, 1840.

Mr. Wells presented the account of Robert Davis ;  
*Ordered*, That it be referred to the committee on Military Accounts.

Mr. Hoit of Concord presented the petition of the proprietors of the Sewall's Falls Locks and Canal, praying for an extension of their charter ;

*Ordered*, That it be referred to the committee on the Judiciary.

Mr. McDaniel presented the petition of John D. Pierce and others, officers of the twenty-fifth regiment, praying for the removal of an officer ;

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Parker of Lisbon presented the petition of the officers and soldiers of the thirty-second regiment for an alteration of the law in relation to the duties and powers of surgeons ;

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Learned, from the committee on Military Affairs, to whom was referred the petition of Erastus Brown and others, reported a bill entitled "An act in favor of the Fitzwilliam Artillery Company ;

Which was read a first and second time.

Mr. Parker of Fitzwilliam moved sundry amendments to the bill,

Which were adopted.

*Ordered*, That it be read a third time on Monday afternoon, at three o'clock.

Mr. Cate, from the committee on Military Affairs, to whom was referred the petition of Samuel King and others, reported a bill entitled "An act to incorporate the Miller Guards,"

Which was read a first and second time,

*Ordered*, That it be read a third time on Monday afternoon, at three o'clock.

Mr. Hill of Northwood, from the committee on Military Affairs to whom was referred the petition of the first company of Light Infantry in the sixth regiment of New Hampshire militia, reported a bill entitled "An act allowing to the first company of

Light Infantry in the sixth regiment New Hampshire militia, an additional number of arms,"

Which was read a first and second time.

*Ordered*, That it be read a third time on Monday afternoon, at three o'clock.

Mr. Treadwell, from the committee on Roads, Bridges and Canals, to whom was referred the petition of Charles Burroughs and nine hundred other inhabitants of Portsmouth, praying for leave to alter the terminus of the Eastern Rail Road in New Hampshire, reported a bill entitled "An act in addition to an act entitled an act in addition to an act to incorporate the Eastern Rail Road in New Hampshire,"

Which was read a first and second time.

*Ordered*, That it be read a third time on Monday afternoon, at three o'clock.

Mr. Swasey, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of altering, amending or repealing the third section of an act approved July 4, 1838, relating to the right of suffrage, made a report,

Whereupon—

*Resolved*, That it is inexpedient to legislate on the subject

Mr. Lane, from the committee on Claims, to whom were referred the accounts of Josiah Stevens, Jr., John P. Pitman, and Elijah Carpenter, reported the following resolution :

*Resolved, by the Senate and House of Representatives in General Court convened*, That Josiah Stevens, Jr. be allowed the sum of eighty-one dollars and twenty-five cents; that John P. Pitman be allowed the sum of twenty-two dollars; and that Elijah Carpenter be allowed the sum of twelve dollars, in full for their several accounts, and that the same be paid out of any money in the Treasury not otherwise appropriated.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred the petition of Benjamin C. Chase and others, the petition of Charles E. Partridge and others, praying to be incorporated into literary societies, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. Wells, from the committee on Banks, to whom was referred so much of His Excellency's message as relates to banks, and the circulation of small bills, reported a bill entitled "An act suspending for a limited time the operation of an act entitled an act prohibiting the emission and circulation of bank bills of a small denomination, passed January 13, 1837."

Which was read a first time—

*Ordered*, That it be read a second time on Monday forenoon, at eleven o'clock.

Mr. Kelsey from the committee on banks, to whom was referred the message of His Excellency with the returns of the several banking institutions in this State, made a report;

Mr. Treadwell moved that the report lie on the table, and that the Clerk be directed to procure five hundred printed copies for the use of the House;

Mr. Bruce, of Mont Vernon moved to amend the motion by striking out five hundred and inserting instead thereof three hundred and fifty;

On the question, shall the amendment be adopted?

It was decided in the affirmative.

And on the question, shall the resolution as amended pass?

It was decided in the affirmative.

Mr. Hoit of Bridgewater from the committee on Towns and Parishes, to whom was referred the petition of the Selectmen of Lee, praying that said town be disannexed from the county of Strafford and annexed to the county of Rockingham, made a report;

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the first Tuesday of the adjourned session of the Legislature.

Mr. Hoit of Bridgewater, from the committee on Towns and Parishes, to whom was referred the petition of Alanson Noble and thirty-nine others, praying that easterly half of lots numbered three and four in the eleventh range may be severed from the town of Dalton and annexed to the town of Whitefield, made a report;

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the first Tuesday of the adjourned session of the Legislature, then to be heard before the committee on Towns and Parishes, and that the petitioners cause all interested in said subject to be notified thereof by causing a copy of said petition and

this order thereon to be served on the town of Dalton by leaving the same with the Chairman of the board of Selectmen of said town by the first day of November next;

Mr. Hoit of Bridgewater, from the committee on towns and Parishes, to whom was referred the petition of the town of Orange, praying to have that part of Canaan lying on the east of the line of Canaan as first surveyed by the proprietors, annexed to Orange, made a report;

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the next session of the Legislature, and that the petitioners be directed to notify all towns interested to appear and shew cause, why the prayer of said petition should not be granted by causing a copy of said petition with this order thereon to be served on the town of Canaan by leaving the same with the chairman of the board of Selectmen on or before the first day of February next.

Mr. Hoit of Bridgewater, from the committee on Towns and Parishes, to whom was referred the petition of Alanson Winchester and others, praying to have lot numbered 150 disannexed from the town of Stark and annexed to the town of Lancaster, made a report;

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the first Tuesday of the adjourned session of the Legislature, and that the petitioners be directed to notify all towns interested in said subject to appear and shew cause, why the prayer of said petition should not be granted, by serving a copy of said petition together with this order of notice on said town of Stark at least sixty days prior to the meeting of said adjourned session.

Mr. Patterson, from the committee on Towns and Parishes, to whom was referred the petition of Nathaniel and Franklin Davis, praying to be severed from the town of Gilford and annexed to the town of Meredith, made a report;

Whereupon—

*Resolved*, That the further consideration of said petition with the accompanying documents be postponed to the first Tuesday of the adjourned session of this Legislature;

Mr. Patterson, from the committee on Towns and Parishes, to whom was referred the petition of the town of Peeling in the county of Grafton, praying that the name of said town may be changed to that of Woodstock, reported a bill entitled an act to

change the name of the town of Peeling to Woodstock;

Which was read a first and second time.

*Ordered*, That it be read a third time on Monday afternoon at three o'clock.

Mr. Weeks of Canaan, from the committee on bills on their second reading to whom was referred a bill entitled an act authorizing an increase of the members of Engine Company No. 1, in Claremont, reported the same without amendment;

*Ordered*, That it be read a third time on Monday afternoon at three o'clock.

Mr. Weeks of Canaan, from the committee on Bills on their second reading, to whom was referred a bill entitled an act to incorporate school district No. 12, in Warner, reported the same with an amendment.

On the question, shall the amendment be adopted?

It was decided in the affirmative.

*Ordered*, That the bill be read a third time on Monday afternoon at three o'clock.

A message from the Senate by their Clerk:

“Mr. Speaker,—The Senate have passed a bill with the following title, to wit, an act to provide for the choice of Road commissioners, in which they ask the concurrence of the House.”

The House proceeded to the consideration of the foregoing bill, which came down from the Hon. Senate;

Which was read a first and second time.

On motion of Mr. Bruce—

*Ordered*, That it be referred to the committee on Bills on their second reading.

A message from the Senate by their Clerk :

“Mr. Speaker,—The Senate concur with the House of Representatives in the passage of a resolution, that the business of the session may be closed on Saturday the twentieth day of June instant.”

The Senate have passed a bill entitled an act to incorporate the Nashua Literary Institution, in which they ask the concurrence of the House.

The House proceeded to the consideration of the foregoing bill which came down from the Hon. Senate.

Which was read a first and second time.

*Ordered*, That it be read a third time on Monday afternoon at three o'clock.

Mr. Smith of Lempster submitted the following resolution;

*Resolved*, That the committee on Banks be instructed to prepare and report a bill to this House, providing for the security of the public against losses which may be sustained by the circulation of bills on the Concord Bank, making the stockholders thereof liable for the redemption of the bills of said Bank.

Mr. Bruce moved that the resolution be amended by striking out the words, "to prepare and report," and inserting instead thereof the words, "to inquire into the expediency of reporting;"

On motion of Mr. Hoit of Bridgewater—

*Resolved*, That the resolution and amendment be indefinitely postponed.

Mr. Leavitt of Chichester submitted the following resolution;

*Resolved*, That when the House adjourn this forenoon, it adjourn to meet on Monday next at three o'clock in the afternoon.

Mr. Knapp moved that the resolution be amended by striking out the words, "three o'clock in the afternoon," and inserting in lieu thereof the words "ten o'clock in the forenoon."

On the question, shall the amendment be adopted?

It was decided in the affirmative.

And on the question, shall the resolution as amended pass?

It was decided in the affirmative.

Mr. Baker from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of passing a law abolishing or regulating the right to vote by proxy, reported a bill entitled an act to regulate the right to vote by proxy;

Which was read a first time.

*Ordered*, That it be read a second time Monday forenoon at eleven o'clock.

Mr. Wells submitted the following resolution:

*Resolved*, That the committee on Elections be instructed to report a bill in amendment of an act entitled an act relating to the election of Governor, Counsellors, Senators and Representatives, passed July 3, 1839, so as to exclude from the rateable polls forming the basis of representation all paupers absolutely, and also all aliens who have not resided in such town or place for the period required by law to entitle citizens to vote in such town or place.

On motion of Mr. Wells—

*Ordered*, that the resolution lie on the table.

Mr. Harmon submitted the following resolution.

*Resolved*, That His Excellency the Governor be requested to direct one or more of the Bank Commissioners to examine into the affairs of the Mechanick's and Merrimack County Banks at Concord, so far as to ascertain the amount due said Banks severally from the stockholders, officers and directors, the amount due from each of said stockholders, directors and officers both as principal and surety and report forthwith to this House.

Mr. Treadwell moved to amend the resolution by inserting after the word "Concord" the words, "and all other banks in this State."

Mr. Parker of Fitzwilliam moved that the amendment be amended, by striking out the words, "the Mechanick's and Merrimack County Banks at Concord, and all other banks in this State," and inserting instead thereof "all the banks in the State."

On motion of Mr. Knapp—

*Ordered*, That the resolution and amendments lie on the table.

Mr. Quincy submitted the following resolution—

*Resolved by the Senate and House of Representatives in General Court convened*, That when the Legislature closes its present session, it adjourn to meet on Wednesday the eighteenth day of November next.

On motion of Mr. Parker of Fitzwilliam—

*Ordered*, That the resolution lie on the table.

Pursuant to previous notice and by leave, Mr. Morrison introduced a bill entitled an act in addition to an act entitled an act to incorporate the Amoskeag Falls Bridge.

Which was read a first and second time.

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Pursuant to previous notice and by leave, Mr. Woodbury introduced a bill entitled an act in addition to and in amendment of an act entitled an act in addition to an act empowering school districts to build and repair school houses, passed July 6, 1827.

Which was read a first time—

*Ordered*, That it lie on the table.

On motion—

The House adjourned.

MONDAY, JUNE 15, 1840.

Agreeably to a resolution of the House, the Speaker announced the appointment of the following select committee on the subject of the bill providing for the return of inventories.

Messrs. Stickney of New Market, Stevens of Goffstown, Hatch of Newport, Stevens of Lyman, Leavitt of Gilmanston, Whitcomb of Swanzey, Green of Berlin, Page of Sutton.

Mr. Treadwell presented the petition of T. F. Rowe, praying for an appropriation to enable the first Artillery company in Portsmouth to procure the recasting of the field pieces in possession of said company.

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Shute presented the petition of Reuben W. Gould praying for the alteration of his name;

*Ordered*, That it be referred to the committee on the alteration of names.

Mr. Carter of Concord presented the petition of the Concord Female Charitable Society, praying for an act of incorporation.

*Ordered*, That it be referred to the committee on Incorporations.

Mr. Parker of Lisbon presented the petition of officers of the thirty-second Regiment praying for the removal of officers.

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Warner, from the committee on Roads, Bridges and Canals to whom was referred the fifth annual report of the Nashua and Lowell Railroad Corporation made a report,

Whereupon—

*Resolved*, That said report be filed in the office of the Secretary of State.

Mr. Warner submitted the following resolution—

*Resolved by the Senate and House of Representatives, in General Court convened*, That the town of Carroll and the places called Nash and Sawyers Location, Harts Location and Crawford's Grant in the county of Coos be classed for the purpose of electing a Representative, and the inhabitants thereof are hereby authorized to elect and send a Representative to the General Court until the Legislature shall otherwise order, any law or usage to the contrary notwithstanding.

Which was read a first time—

*Ordered*, That it be read a second time this forenoon at eleven o'clock.

Mr. Warner submitted the following resolution—

*Resolved by the Senate and House of Representatives in General Court convened*, That the place called Pinkham's Grant in the county of Coos be classed with the town of Jackson for the purpose of sending a Representative to the General Court until the Legislature shall otherwise order, any law or usage to the contrary notwithstanding.

Which was read a first and second time.

*Ordered*, That it be referred to the committee on Elections. On motion of Mr. Quincy—

*Resolved*, That the rules of this House be so far suspended that all bills and resolutions now on the table, which are ordered to be read a second time this forenoon at eleven o'clock be read a second time at the present time.

The House proceeded to the order of the day upon the following resolution—

*"Resolved by the Senate and House of Representatives in General Court convened*, That the town of Carroll and the places called Nash and Sawyer's Location, Hart's Location and Crawford's Grant in the county of Coos be classed for the purpose of electing a Representative, and the inhabitants thereof are hereby authorized to elect and send a Representative to the General Court until the Legislature shall otherwise order, any law or usage to the contrary notwithstanding.

Which was read a second time—

*Ordered*, That it be referred to the committee on Elections.

The House proceeded to the order of the day upon the bill entitled an act suspending for a limited time the operation of an act prohibiting the emission and circulation of bank bills of a small denomination, passed January 13, 1837.

Which was read a second time.

On motion of Mr. Stevens of Claremont—

*Ordered*, That it be referred to the committee on bills on their second reading.

The House proceeded to the order of the day upon a bill entitled an act to regulate the right to vote by proxy.

Mr. Baker of Hillsborough moved sundry amendments to the bill.

And on the question, shall the amendments be adopted?

It was decided in the affirmative.

Mr. Parker of Fitzwilliam moved that the bill be referred to the committee on bills on their second reading.

And the question being put,

It was decided in the negative.

Mr. Quincy moved that the bill lie on the table.

And the question being put,

It was decided in the negative.

On motion of Mr. Chamberlain—

*Resolved*, That the further consideration of the bill be postponed to this afternoon at three o'clock.

Mr. McDaniel, from the committee on Incorporations, to whom was referred the petition of Horace Chase and others, by leave, reported a bill entitled an act to incorporate certain persons by the name of the Hopkinton Village Aquiduct Association.

Which was read a first and second time;

Mr. Hall of Tamworth moved that the bill be referred to the committee on bills on their second reading.

And the question being put—

It was decided in the negative.

A motion was made that the bill lie on the table.

And the question being put—

It was decided in the negative.

*Ordered*, That the bill be read a third time to-morrow afternoon at three o'clock.

On motion of Mr Chamberlain—

The House adjourned.

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## AFTERNOON.

The House proceeded to the order of the day upon bills of the following titles, and the following resolutions, to wit:

“An act in favor of the Fitzwilliam Artillery Company.”

“An act allowing to the first company of Light Infantry in the 6th regiment of New Hampshire militia an additional number of arms.”

“An act to incorporate the Miller Guards.”

“An act authorizing an increase of the members of Engine Company No. 1, in Claremont.”

“An act to change the name of the town of Peeling to Woodstock.”

“An act to incorporate School District No. 12, in Warner.”

“A resolution in favor of Josiah Stevens, jr. and others.”

“A resolution making an appropriation for the education of indigent deaf and dumb persons of this State.”

Which were severally read a third time.

*Resolved*, That they pass and that their titles be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

The House proceeded to the order of the day upon the bill entitled an act in addition to an act entitled an act in addition to an act to incorporate the Eastern Railroad in New Hampshire.

On motion of Mr. Treadwell—

*Ordered*, That the bill be put upon its second reading for the purpose of amendment.

Mr. Treadwell moved that the bill be amended by inserting after the word “Portsmouth,” the words, “shall not be altered.”

On the question, shall the amendment be adopted?

It was decided in the affirmative.

On motion of Mr. Treadwell—

*Ordered*, That the rules of the House be so far suspended, that this bill be read a third time at the present time.

The bill was then read a third time.

*Resolved*, That it pass and its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from His Excellency the Governor, was received by the Secretary of State which was read and is as follows;

“To the Hon. Senate and House of Representatives—

I herewith transmit the Treasurer’s estimate of the probable receipts and disbursements at the Treasury from June 1st, 1840, to December 1, 1840.

JOHN PAGE.

Executive Department, }  
June 15, 1840.” }

On motion of Mr. Ayer—

*Resolved*, That the message of His Excellency the Governor, with the accompanying estimate of the Treasurer be referred to the committee on Finance.

Mr. Treadwell submitted the following resolution :

*Resolved*, That His Excellency the Governor be requested to direct the Bank Commissioners to apply in writing, signed by a majority of them to the Justices of the Superior Court of Judicature for the issuing of an order by said Court transferring unto a committee or assignees to be appointed by said Court, all real and personal estate, goods, chattels, bonds, mortgages, bills, notes, claims, demands and securities of every description whatsoever belonging to the Concord Bank, to be held by said committee or assignees and appropriated by them agreeably to the provisions of the act entitled "An act relating to Banks and Banking and to establish Bank Commissioners for the State of New Hampshire, approved July 5, 1837."

On motion of Mr. Wells—

*Ordered*, That the resolution lie on the table.

Mr. Swasey, from the select committee to whom was referred so much of His Excellency's message as relates to an Asylum for the Insane, and also the bill entitled "An act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane," with the sundry amendments, reported said bill with the amendments—

On the question,

Shall the first of said amendments be adopted?

It was decided in the affirmative.

On the question,

Shall the second of said amendments be adopted?

It was decided in the affirmative.

Mr. Jenness of Portsmouth moved a farther amendment to said bill,

And on the question,

Shall the amendment be adopted?

Mr. Jenness called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Currier of Chester	Dodge
Jenness of Deerfield	Blake
Sanborn of East Kingston	Thayer
Hatch of Exeter	White
Berry of Greenland	Vennard
Towle of Hampton	Furber

Hilton	Spaulding
Stickney	Beard
Currier of Newtown	Baldwin
Batchelder of North Hampton	Moor of Peterborough
Crawford	Wheeler
George of Plaistow	Kingsbury
Jenness of Portsmouth	Piper
Lord	Parker of Fitzwilliam
Treadwell	Dickinson of Hinsdale
Moses	Wilson of Keene
Kelsey	Chamberlain
Jenness of Rye	Batchelder of Marlborough
Brown of Seabrook	Atwood
Brown of South Hampton	Converse
Fifield	Buckminster
McDuffie	Mason
Thom	Hayward
Sawyer of Dover	Baker of Troy
Townsend	Tudor
Horne	Bellows
Drew	Humphrey
Burnham	Meacham
Wedgewood	Warland
Lawrence	Stevens of Claremont
Davis	Bingham
Berry of Milton	Breck
Howard of Rochester	Walker of Langdon
Witham	Hatch of Newport
Griffin	Forsaith
Morrill of Somersworth	Bryant
Copp	Carbee
Morrill of Boscawen	Adams
Little of Boscawen	Blaisdell
Burley of Franklin	Fellows
Ayer	Allen
Wallace	Lathrop
French of Bedford	Parker of Littleton
Bailey	Ely of Littleton
Sawyer of Nashua	

Those who voted in the negative are—Messrs.

Knight	Thompson of Wolfeborough
Richardson	Perkins of Allenstown
Cotton	Scribner
St. Clair	Messer
Dinsmoor	Smith of Bradford
Betton	Morrill of Canterbury
Lane	Leavitt of Chichester
Hill of Northwood	Shute
Poor of Raymond	Carter
Thompson of Salem	Hoit of Concord
Charles	Perley
Hill of Alton	Martin
Walker of Barnstead	Gould
Jenkins	Woods
McDaniel	Patterson
Burleigh of Brookfield	Barnard
Libbey	Garland
Harmon	Stevens of Newbury
Towle of Freedom	Trussell
Sanborn of Gilford	Cate
Edgerly	George of Salisbury
Leavitt of Gilmanton	Page of Sutton
Durrell	Pattee
Wilson of Lee	Watkins
Ela of Meredith	Currier of Wilmot
Eastman	Whittemore of Antrim
Frost	Goodale
Shannon	Poor of Goffstown
Norris of New Hampton	Stevens of Goffstown
Taylor	Patten
Durgin	Baker of Hillsborough
Curry	Monroe
Perkins of Strafford	Farley
Weeks of Strafford	Cross
Wentworth	Marsh
Randall	Boardman
Hall	Stark
Haley	Morrison
Whitton	Odell

Moore of Milford	Blodgett
Bruce	Knapp
McMillen	Cheney
Smith of New Ipswich	Swasey
Gibson	Ferrin
Ames	Dickerson of Hill
McCoy	Cox
Burt	Noyes
Woodbury	Parker of Lisbon
Whittaker	Stevens of Lyman
Whittemore of Wilton	McGrath
Coolidge	Perrin
Smith of Gilsum	Barron
Palmer	Learned
Weeks of Richmond	Webster
Copeland	Quincy
Whitcomb	Whidden
Hoskins	Little of Warren
Bennett	Peabody
Silsby	Pitman
Putnam	Whittemore of Colebrook
Willey	Dustin
Bean	Smith of Carroll
Smith of Lempster	Ballou
Howard of Springfield	Tuttle
Judkins	Perkins of Jackson
Chase	Wells
George of Wendall	Smith of Milan
Locke of Alexandria	Green
Hoit of Bridgewater	Young of Errol
Winter	French of Stratford
Weeks of Canaan	Warner
Page of Coventry	

Ayes 89. Noes 143.

So the amendment was rejected.

On motion—

The House adjourned.

TUESDAY, JUNE 16, 1840.

On motion of Mr. Weeks of Canaan—

*Resolved*, That the rules of the House be so far suspended, that the reading of the Journal of yesterday be dispensed with.

Mr. McDaniel presented the petition of Loring Stoddard and others, praying for the removal of an officer;

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Burnham presented the petition of William Demeritt and others, praying for an act of incorporation by the name and style of the Durham Academy;

*Ordered*, That it be referred to the committee on Education.

Mr. Brown of South Hampton presented the petition of John Currier, 2d;

Also the petition of Harrison Fitts, praying for the alteration of their respective names;

Mr. Freese presented the petition of Jacob Tilton, praying for the alteration of his name;

Mr. Beard of Nashua presented the petition of John Thompson, praying for the alteration of his name;

*Ordered*, That said petitions be referred to the committee on the alteration of Names.

Mr. Lane presented the account of Porter and Rolfe;

Also the account of John F. Brown;

Also the account of Franklin Evans;

Also the account of Bradbury Gill;

Also the account of James Straw;

Also the account of William Fiske;

Mr. Bruce presented the account of Zenas Clement;

Mr. Swasey presented the account of Asa Fowler;

Also the account of David H. Collins;

*Ordered*, That said accounts be referred to the committee on Claims.

Mr. Dame, from the committee on Unfinished Business, who were instructed to inquire into the expediency of passing a law to regulate the survey of ship timber, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be referred to the committee on the Judiciary.

Mr. Dame, from the committee on Unfinished Business, to

whom was referred the petition of the Selectmen of Peeling, praying for the privilege of electing a Representative to the General Court, made a further report,

Whereupon—

*Resolved*, That the further consideration of said petition be referred to the committee on Elections.

Mr. Lawrence, from the committee on Military Accounts, to whom was referred the account of Joseph Hill, reported the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened*, That Joseph Hill be allowed the sum of one hundred and eighty-three dollars in full of his account, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred the bill entitled "An act to exempt the town of Newington from the operation of the provisions of the first section of an act providing for the division of towns into school districts, and for the alteration of the limits of school districts in certain cases, passed July 6, 1839," reported the same without amendment,

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred a resolution instructing them to inquire into the expediency of passing an act making a more equal distribution of school money made a further report,

Whereupon—

*Resolved*, That it is inexpedient at this time to legislate on the subject.

Mr. Parker of Fitzwilliam, from the committee on Education, to whom was referred His Excellency's message relating to the Literary Fund, and the report of the Commissioners on said fund, reported, that all the banks in this State have paid to the Treasurer of this State one half of one per cent on the amount of their capital stock agreeably to the act establishing the literary fund, excepting the Wolfeborough Bank. The amount of the fund to be distributed the present year is \$14,187 54.

On motion,

*Resolved*, That the report be accepted.

Mr. Cate, from the committee on Military Affairs, to whom was referred the returns of the Adjutant General, and Commissary General, reported a bill entitled "An act making appropriations for the militia of this State for the year 1840."

Which was read a first and second time.

*Ordered*, That the bill be read a third time to-morrow afternoon at three o'clock.

Mr. Watkins, from the committee on Elections, to whom was referred the petition of Eliphalet Hunt and others, inhabitants of Sandown, praying for the passage of a law granting them the privilege of sending a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. St. Clair, from the committee on Elections, to whom were referred the certificates of members returned to serve in this House, made a report, accompanied by the following resolution :

Whereupon—

*Resolved*, That Thomas Smith of Carroll is entitled to a seat in this House as a member thereof.

Mr. Berry of Milton, from the committee on Elections, to whom was referred the petition of Simeon Cram and others, inhabitants of Dalton, praying for the passage of a law, granting them the privilege of sending a Representative to the General Court, made a further report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. Gibson, from the committee on Elections, to whom was referred the petition of the inhabitants of Peeling, praying that said town may be disannexed from Ellsworth, and have the privilege of sending a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the further consideration of the same be postponed to the next session of the Legislature.

Mr. Morrison, from the committee on the Judiciary, to whom was referred a bill entitled "An act in amendment of an act entitled an act regulating process and trials in civil causes," reported the same in a new draft,

Which was read a first time.

*Ordered*, That it be read a second time this forenoon, at eleven o'clock.

On motion—

The House adjourned.

## AFTERNOON.

The House proceeded to the order of the day upon the bill entitled "An act to incorporate certain persons by the name of the Hopkinton Village Aqueduct Association,"

Which was read a third time—

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Baker from the committee on the Judiciary, to whom was referred the bill entitled "An act to amend the laws regulating divorces," reported the same without amendment.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Baker, from the committee on the Judiciary, who were instructed to inquire into the expediency of so amending the law as to secure to the defendant his costs, when the plaintiff shall not support his action, made a report,

Whereupon—

*Resolved*, That it is inexpedient to legislate upon the subject.

Mr. Wells, from the committee on Banks, to whom was referred a resolution instructing them to report a bill providing for the examination of the several Banks in this State, reported a bill entitled an act in amendment of an act entitled an act relating to banks and banking, and to establish bank commissioners for the State of New Hampshire, approved July 5, 1837;

On motion of Mr. Parker of Fitzwilliam—

*Ordered*, That the bill lie on the table.

The House resumed the consideration of the bill entitled an act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane.

Mr. Sawyer of Nashua moved an amendment to the bill;

On motion of Mr. Ela of Meredith.

*Ordered*, That the bill and amendment lie on the table.

And then the House adjourned.

WEDNESDAY, JUNE 17, 1840.

On motion of Mr. Warner—

*Resolved*, That the rules of the House be so far suspended, that the reading of the Journals be dispensed with.

Mr. Hatch of Exeter presented the remonstrance of Nathaniel Gilman and eighty-four others, inhabitants of the town of Exeter against the erection of any bridge for rail roads or any other purposes across the Piscataqua River;

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Mr. Sawyer of Nashua presented the petition of John Eayres for the removal of an officer;

Also the petition of Samuel J. Marckres and others, for a grant of State arms to the Eighth company of Infantry in the fifth Regiment;

Mr. Cox of Holderness presented the petition of the Field officers of the fourteenth Regiment for the removal of an officer;

*Ordered*, That they be referred to the committee on Military Affairs.

Mr. McDaniel of Barrington presented the petition of John T. Gibbs and thirty-four others, praying for a repeal of the law authorizing members of corporations to vote by proxy;

*Ordered*, That it be referred to the committee on the Judiciary.

Mr. Morrison presented the petition of Henry Kimball and one hundred and twenty others, praying for a law to restrain itinerant traders and pedlars;

*Ordered*, That it be referred to the select committee on that subject;

Mr. Cate from the committee on Military Affairs, to whom was referred the petition of the officers of the Strafford Guards and others, praying for additional officers, reported a bill entitled an act in favor of the Strafford Guards;

Which was read a first and second time—

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Treadwell, from the committee on Roads, Bridges and Canals, to whom was referred the annual report of the Directors of the Boston and Maine Rail Road for 1840, made a report;

Whereupon—

*Resolved*, That the report of the Directors of the Boston and

Maine Rail Road be placed in file in the office of the Secretary of State;

Mr. Cate, from the committee on Military Affairs, to whom was referred the resolution instructing them to inquire into the expediency of passing a law granting aid to the several companies in this State, made a report;

Whereupon—

*Resolved*, That it is inexpedient to legislate upon the subject.

Mr. Cate, from the committee on Military Affairs, to whom was referred the petition of I. Hunt Jr. and 356 others;

And also the petition of George W. Bagley and 89 others, praying for two pieces of Ordnance for the Nashua Artillery Company, reported a bill entitled an act in favor of the Nashua Artillery Company;

Which was read a first and second time;

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Hoskins, from the committee on Printer's Accounts, to whom was referred the account of John C. Gerrish, reported the following resolution;

*Resolved by the Senate and House of Representatives, in General Court convened*, That John C. Gerrish be and hereby is allowed the sum of fifteen dollars and sixty cents in full of his account, and that the same be paid out of any money in the Treasury not otherwise appropriated;

Which was read a first time,

*Ordered*, That it be read a second time this forenoon at eleven o'clock.

The Speaker laid before the House the report of the Directors of the Eastern Rail Road in New Hampshire;

And then the House adjourned.

#### AFTERNOON.

The House proceeded to the order of the day upon bills of the following titles, to wit:

An act to exempt the Town of Newington from the provisions of the first section of an act providing for the divisions of Towns

into school districts, and for the alteration of the limits of school districts in certain cases, passed July 6, 1839;

An act making appropriations for the Militia of this State for the year 1840.

An act to amend the law regulating divorces.

Which were severally read a third time.

*Resolved*, That they pass and that their titles be as aforesaid.

*Ordered*, That the Clerk inform the Senate thereof.

The House proceeded to the order of the day upon the following resolution;

*Resolved by the Senate and House of Representatives in General court convened*, That Joseph Hill be allowed the sum of one hundred and eighty-three dollars in full of his account to be paid out of any money in the Treasury not otherwise appropriated;

Mr. Moses moved that the resolution be put upon its second reading for the purpose of amendment;

And on the question being put—

It was decided in the affirmative.

Mr. Moses moved to amend the resolution by striking out the words “one hundred and eighty three dollars,” and inserting instead thereof the words, “two hundred and eight dollars and eighty-five cents.”

On motion of Mr. Chase of Washington—

*Ordered*, That the resolution and amendment lie on the table.

On motion of Mr. Baker—

The House proceeded to the special order of the day upon the bill entitled an act to abolish the right to vote by proxy;

On motion of Mr. Ayer—

*Ordered*, That it lie on the table.

On motion of Mr. Chase of Washington—

The House resumed the consideration of the resolution in favor of Joseph Hill;

On motion of Mr. Parker of Fitzwilliam—

*Ordered*, That it be re-committed to the committee on Military Accounts.

The House resumed the consideration of the following resolution;

*Resolved*, That the committee on Elections be instructed to report a bill in amendment of an act entitled an act relating to the election of Governor, Counsellors, Senators and Representatives, passed July 3, 1839, so as to exclude from the rateable polls forming the bases of representation, all paupers absolutely, and also all aliens, who have not resided in such town or place the

period required by law to entitle citizens to vote in such town or place;

On motion of Mr. Wells—

*Resolved*, That it pass.

Pursuant to previous notice and by leave of the House, Mr. Warner introduced a bill entitled an act to establish times and places for holding Courts of Probate in the County of Coos;

Which was read a first and second time.

*Ordered*, That it be referred to the committee on the Judiciary.

Pursuant to previous notice, and by leave, Mr. Shute introduced a bill entitled an act to incorporate Engine company, No. 4 in Concord;

Which was read a first time—

*Ordered*, That it be read a second time to-morrow forenoon at eleven o'clock.

On motion of Mr. Warner—

*Resolved*, That when the House adjourn this afternoon, it adjourn to meet at nine o'clock in the forenoon, and when it adjourn in the forenoon it adjourn to meet at two o'clock in the afternoon until otherwise ordered.

Mr. Ayer, by leave of the House, presented the petition of the selectmen of Pembroke for leave to choose a Representative.

*Ordered*, That it be referred to the committee on Elections.

And then the House adjourned.

THURSDAY, JUNE 18, 1840.

Mr. Wentworth presented the petition of the Field officers of the 19th regiment of militia, praying for the removal of an officer.

Mr. Cheney presented the petition of an officer of the 35th regiment for the removal of officers.

*Ordered*, That said petitions be referred to the committee on Military Affairs.

Mr. Copp presented the petition of Robert Pike and others, praying that the farm of said Pike be disannexed from Brookfield and annexed to Wakefield.

*Ordered*, That it be referred to the committee on Towns and Parishes;

Mr. Hoitt of Bridgewater presented the account of Currier & Hall.

*Ordered*, That it be referred to the committee on Claims.

Mr. Cotton presented the petition of Webster Page for the alteration of his name.

*Ordered*, That it be referred to the committee on the Alteration of Names.

Mr. Odell, from the committee on the alteration of names, to whom were referred sundry petitions, reported a bill entitled an act to alter the names of certain persons.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Ayer from the committee on Finance, to whom was referred a communication from His Excellency the Governor, with the Treasurer's estimates, reported the following resolution :

*Resolved*, by the Senate and House of Representatives in General Court convened, That the Treasurer of this State be and hereby is authorized to borrow on the credit and for the use of the State, at such times and in such portions as he may consider necessary and proper, a sum not exceeding twelve thousand dollars, at the lowest rate of interest at which the same can be procured, not exceeding six per centum per annum, and the Treasurer for the time being is authorized to pay the sum or sums so borrowed and interest thereon, when the same shall become due, out of any money in the Treasury not otherwise appropriated.

Which was read a first and second time.

On motion of Mr. Chamberlain—

*Resolved*, That the rules of the House be so far suspended that this resolution be read a third time at the present time.

The resolution was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Cate, from the committee on military affairs reported a bill entitled an act to provide for the compensation of the person doing the duties of Quarter Master General from July 6, 1839, to July 6, 1840.

Which was read a first and second time.

On motion of Mr. Ayer—

*Ordered*, That it lie on the table.

Mr. Stickney, from the committee on Roads, Bridges and Canals, to whom was referred the petition of the proprietors of the Sewall's Falls Locks and Canal for the extension of their charter,

reported a bill entitled an act to extend the time for the completion of the Sewall's Falls Locks and Canal.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Treadwell, from the committee on Roads, Bridges and Canals, to whom was referred the act entitled an act in addition to the several acts to incorporate the Eastern Railroad in New Hampshire, also the petition of J. B. Upham and 113 others, praying for an act incorporating a Railroad from Portsmouth to Dover, together with the memorial of Andrew Pierce, jr. and 393 other citizens of Dover against the same, the remonstrance of George W. Kittredge and 144 other citizens of New Market, the memorial of Nathan Woodman and 76 other citizens of Durham, and the remonstrance of the President of the Boston Railroad Corporation upon the same subject, reported a bill entitled an act to incorporate the Portsmouth and Dover Railroad.

Which was read a first time.

On motion of Mr Stickney—

*Resolved*, That the further consideration of said bill be postponed to the adjourned session of the Legislature.

Mr. Parker of Fitzwilliam, from the committee on education, to whom was referred the petition of Thomas W. Gillis and others, for the incorporation of the Nashua Academy, made a report, Whereupon—

*Resolved*, That the petitioners have leave to bring in a bill.

Mr. Parker of Fitzwilliam, from the committee on education, to whom was referred the petition of William Demeritt and others, praying for an act of incorporation by the name and style of the Durham Academy, made a further report,

Whereupon—

*Resolved*, That the petitioners have leave to bring in a bill.

Mr. Bingham, from the committee on education, to whom was referred so much of His Excellency's message as relates to school districts, reported the following resolution;

*Resolved by the Senate and House of Representatives in General Court convened*, That the Selectmen of the several towns in this State, on or before the first Monday of the June session annually, be required to make returns to the Secretary of State specifying the number of scholars from four to twenty-one years of age in their respective towns, the number of district schools, and the amount of moneys raised by the town for the support of the same, also the number of other schools, public or private, with

the number of teachers, scholars, and amount of expenses as near as may be, with such other information on the subject of education generally, as said Selectmen shall think proper to communicate, and that the Secretary be required to make an abstract of such returns and lay the same before the Legislature.

Which was read a first and second time.

On motion of Mr. Wells—

*Ordered*, That it lie on the table.

Mr. Shannon, from the committee on the Library, reported the following resolution;

*Resolved by the Senate and House of Representatives, in General Court convened*, That Jacob C. Carter be and hereby is appointed Librarian for the ensuing year.

Which was read a first and second time,

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Blaisdell, from the committee on the Library, reported the following resolution;

*Resolved by the Senate and House of Representatives in General Court convened*, That the Librarian of the State Library be and he is hereby required to procure such books and pamphlets now in said Library as in the opinion of the committee on the Library may be worthy of preservation to be bound in a good and substantial manner.

*And be it further resolved*, That the expense of binding said books and pamphlets be paid from any money in the Treasury not otherwise appropriated.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Betton, from the committee on Bills on their second reading, to whom was referred a bill entitled an act to annex a certain tract of land in Landaff to school district No. 2, in the town of Lincoln, reported the same bill in a new draft.

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Weeks of Canaan, from the committee on Bills on their Second Reading, to whom was referred a bill entitled "An act to provide for the choice of Road Commissioners," reported the same with an amendment,

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

*Ordered*, That the bill be read a third time to-morrow afternoon, at three o'clock.

Mr. Weeks of Canaan, from the committee on Bills on their Second Reading, to whom was referred "An act suspending for a limited time the operation of an act entitled an act prohibiting the emission and circulation of bank bills of a small denomination, passed January 13th, 1837," reported the same without amendment.

Mr. Parker of Fitzwilliam moved an amendment to the bill,

On motion of Mr. Little—

The House adjourned.

## AFTERNOON.

On motion of Mr. Parker of Fitzwilliam—

The House resumed the consideration of the resolution providing for school returns,

Mr. Wells moved that the resolution be amended by adding the following words, "and that the Secretary be required to furnish the Selectmen of the several towns and places with blank forms for such returns,"

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

*Ordered*, That the resolution be read a third time to-morrow afternoon, at three o'clock.

Mr. St. Clair, from the committee on Elections, to whom were referred the certificates of the election of members returned to serve in this House, by leave, made the following

## REPORT :

The committee on Elections, to whom were referred the certificates of the election of members returned to serve in this House, have attended to the duty assigned them, and have exam-

ined the aforesaid certificates and all other credentials laid before them, and have directed me to report the following resolution :

IRA ST. CLAIR,

For the committee.

*Resolved*, That the following named gentlemen have been legally elected and duly returned as members of this House, and are entitled to seats therein, to wit :

FROM THE COUNTY OF ROCKINGHAM.

Henry Knight	George O. Hilton
Jonathan Robinson	Elijah R. Currier
Joseph Richardson	James Batchelder
David Currier, jr.	Edson Hill
Isaac Tompkins	John Crawford
Ira St. Clair	Perley Robinson
Benjamin Jenness	Richard Jenness
Thornton Betton	Sampson B. Lord
J. T. G. Dinsmoor	Nehemiah Moses
Charles Sanborn	Samuel Langdon
Dudley Freese	James H. Kelsey
Nathaniel Gilman, jr.	Thomas P. Treadwell
Samuel Hatch	Samuel Poor
Thomas J. Berry	Amos S. Jenness
Warren L. Lane	John H. Thompson
Amos Towle, jr.	Benjamin F. Brown
George H. Dodge	Nathan Brown
Calvin Thayer	George B. Fifield
Reuben White	Samuel W. Simpson
George Vennard	Thomas Cotton
John M. Furber	James G. George
William W. Stickney	

FROM THE COUNTY OF STRAFFORD.

Jonathan P. Hill	Oliver S. Horne
James McDuffie, 3d	Jonas D. Townsend
Joseph A. Walker	Samuel Drew
Joseph Jenkins	Samuel Burnham
George McDaniel	Artemas Harmon
Samuel Thom	Jonathan Wedgewood
Thomas E. Sawyer	Jeremiah Dame

Elias Towle	David Taylor
Ebenezer S. Lawrence	John Curry
Samuel G. Sanbörn	Paul Perkins
Thomas Durrell	Elisha Weeks
Nathaniel Edgerly	Paul Wentworth
Jeremiah Leavitt	William Randall
Samuel G. Wilson	Jacob Morrill
Samuel Davis, jr.	William E. Griffin
Joseph Ela	Obed Hall
Abel B. Eastman	Amasa Copp
James Berry	Jacob Libbey
Thomas Shannon	Thomas Burley
Nehemiah Locke	David D. Frost
Nathaniel Norris	Thomas L. Whitton
Algernon S. Howard	Benjamin F. Thompson
John Witham	Russell Charles
William Durgin	Abel Haley

## FROM THE COUNTY OF MERRIMACK.

John Perkins	Imri Woods
Benjamin F. Scribner	Richard H. Ayer
Simeon B. Little	Joseph Barnard
Joseph Morrill	Joab Patterson
William Messer	Jonathan Garland
Bartholomew Smith	Simeon Stevens
David Morrill	John Trussell
J. N. C. Leavitt	Asa P. Cate
Moses Shute	Moses Norris, jr.
Abiel C. Carter	True George
Jacob Hoit	Enoch Page
Warren Perley	Abner Watkins
James Martin	Asa Pattee
Henry Burley	Morrill Currier
Daniel C. Gould	

## FROM THE COUNTY OF HILLSBOROUGH.

Andrew Wallace	Paul H. Bixby
Jacob Whittemore	Moses Poor
John French	Benjamin Stevens 2d
Ensign Bailey	William Whittemore
Robert Goodale	David Patten

Albert Baker	Josephus Baldwin
Elijah Monroe	Jeremiah Smith
Leonard Farley	Asa McMillen
Jabez P. F. Cross	Jesse Gibson
Daniel N. Boardman	Timothy K. Ames
Charles Stark	William Moore
George W. Morrison	John McCoy
Ebenezer Hill	James S. Burt
Francis Odell	Nathan Wheeler
Humphrey Moore	Jesse Whittaker
Nathaniel Bruce	William Woodbury
George Y. Sawyer	Abram Whittemore
Isaac Spaulding	Joshua Marsh
Albin Beard	

## FROM THE COUNTY OF CHESHIRE.

Joseph Kingsbury	Jarvis Weeks
Oscar Coolidge	Joshua Converse
Asa Hamilton	Peter D. Buckminster
Rufus Piper	Asa Copeland
Amos A. Parker	Rufus Mason
David M. Smith	Peter Hayward
Erastus Dickinson	Leonard Whitcomb
Samuel Patrick	Abel Baker
James Wilson	Henry S. Tudor
Levi Chamberlain	William Bellows
James Batchelder	Asahel J. Humphrey
Bennett Palmer	Asahel H. Bennett
Rufus Atwood	Timothy Hoskins

## FROM THE COUNTY OF SULLIVAN.

Joseph G. Silsby	Gilson Walker
Seth Meacham	Daniel M. Smith
John H. Warland	Alvin Hatch
Godfrey Stevens	Josiah Forsaith
James H. Bingham	John Bryant
Henry Breck	Orra C. Howard
John Putnam	Caleb Judkins
Olivet Willey	Martin Chase
Samuel Bean	Daniel George jr.

## FROM THE COUNTY OF GRAFTON.

William Locke	Jonathan Dickerson
John H. Carbee	Russell Cox
Daniel Wilcomb	Rufus Noyes
Abram P. Hoit	Isaac Allen
Samuel C. Brown	George H. Lathrop
Otis Winter	Levi Parker
William P. Weeks	Ezra Parker
James J. Page	George W. Ely
John S. Rand	Herod Stevens
Jeremiah Blodgett	Arthur Latham jr.
Thomas Merrill	Henry McGrath
Clark Knapp	Henry S. Perrin
Cyrus Adams	Benjamin M. Barron
Albert G. Cheney	Moses Learned
Isaac Fellows	Arthur L. Webster
Daniel Blaisdell	Josiah Quincy
Samuel Swasey	Mark Whidden
Samuel Smith	Jesse Little
Enos Ferrin	John F. A. Peabody

## FROM THE COUNTY OF COOS.

Joseph Pitman	Joseph Perkins
Daniel Green	Aaron J. Smith
Josiah A. Young	John S. Wells
Benjamin Whittemore	Abijah S. French
Moody Dustin	Simeon Warner
Aaron Ballou	Jonathan Young
Robert Tuttle	

Your committee have included in the foregoing list, the names of the members returned from the towns of Hooksett, Dorchester and Plainfield, although the Town Clerks of the said towns have not certified in their respective certificates the number of rateable polls which their respective lists contained on the day of their annual election, as certified by the Selectmen.

They have also included in said list the name of the members returned from Plaistow, although the certificate of the Town Clerk of said town states that the number of rateable polls, which the list contained on the day of their annual election, as certified by the Selectmen, was only one hundred and forty-nine.

They have also included in said list the name of the member returned from Chatham, although the certificate of the Town Clerk of that town does not show that Chatham is a classed town for the purpose of sending a Representative to the General Court.

They have also included in said list the name of the member returned from the town of Tuftonborough, although the check list of said town does not certify the number of voters, which the said list contained on the day of the annual election, as certified by the Selectmen.

They have also included in said list the name of the member returned from the town of Stewartstown, although the Town Clerk of that town does not state, in his certificate, in what town the meeting was holden, when said member was elected.

Your committee nevertheless are of opinion, that notwithstanding the errors above mentioned, said members are entitled to their seats in this House.

On motion—

*Resolved*, That the report be accepted.

On motion of Mr. Ela of Meredith—

The House resumed the consideration of the bill entitled

“An act suspending for a limited time the operation of an act entitled an act prohibiting the emission and circulation of bank bills of a small denomination, passed January 13, 1837.”

Mr. Parker of Fitzwilliam withdrew his amendment,

On the question,

Shall the bill be read a third time?

The ayes and noes were called for,

Those who voted in the affirmative are—Messrs.

Robinson of Brentwood	White
Currier of Chéster	Vennard
St. Clair	Hilton
Jenness of Deerfield	Stickney
Betton	Currier of Newtown
Freese	Batchelder of North Hampton
Hatch of Exeter	Hill of Northwood
Gilman	Crawford
Berry of Greenland	George of Plaistow
Towle of Hampton	Lord
Blake	Kelsey
Thayer	Jenness of Rye

Brown of Seabrook	Leavitt of Chichester
Brown of South Hampton	Shute
Fifield	Carter
Simpson	Hoit of Concord
Charles'	Perley
Hill of Alton	Burley of Franklin
McDuffie	Gould
Walker of Barnstead	Woods
Jenkins	Ayer
McDaniel	Patterson
Burleigh of Brookfield	Barnard
Libbey	Garland
Thom	Trussell
Burnham	Cate
Wedgewood	Page of Sutton
Dame	Watkins
Sanborn of Gilford	Currier of Wilmot
Edgerly	Wallace
Leavitt of Gilmanton	Whittemore of Antrim
Wilson of Lee	Bailey
Ela of Meredith	Goodale
Eastman	Poor of Goffstown
Frost	Stevens of Goffstown
Shannon	Farley
Locke of New Durham	Cross
Norris of New Hampton	Stark
Taylor	Bruce
Durgin	Sawyer of Nashua
Curry	Spaulding
Perkins of Strafford	Baldwin
Weeks of Strafford	Smith of New Ipswich
Wentworth	Ames
Randall	Moore of Peterborough
Morrill of Somersworth	McCoy
Hall	Wheeler
Haley	Woodbury
Thompson of Wolfeborough	Whittaker
Scribner	Whittemore of Wilton
Morrill of Boscawen	Coolidge
Little of Boscawen	Piper
Morrill of Canterbury	Parker of Fitzwilliam

Smith of Gilsum	Blodgett
Chamberlain	Merrill
Batchelder of Marlborough	Adams
Atwood	Knapp
Buckminster	Cheney
Copeland	Blaisdell
Mason	Fellows
Hayward	Smith of Haverhill
Baker of Troy	Ferrin
Bellows	Dickerson
Humphrey	Cox
Bennett	Lathrop
Silsby	Parker of Lisbon
Meacham	Parker of Littleton
Stevens of Claremont	Ely of Littleton
Bingham	Stevens of Lyman
Breck	Latham
Bean	McGrath
Walker of Langdon	Perrin
Smith of Lempster	Barron
Hatch of Newport	Learned
Bryant	Quincy
Howard of Springfield	Whidden
Chase	Little of Warren
Locke of Alexandria	Peabody
Carbee	Pitman
Wilcomb	Whittemore of Colebrook
Hoit of Bridgewater	Smith of Carroll
Brown of Bristol	Tuttle
Winter	Wells
Weeks of Canaan	Green

Those who voted in the negative are—Messrs.

Knight	Robinson of Poplin
Richardson	Jenness of Portsmouth
Tompkins	Treadwell
Cotton	Moses
Lane	Langdon
Dodge	Poor of Raymond
Furber	Thompson of Salem

Sawyer of Dover	Hill of Mason
Townsend	Odell
Horne	McMillen
Towle of Freedom	Gibson
Lawrence	Burt
Durrell	Kingsbury
Davis	Dickinson
Berry of Milton	Palmer
Howard of Rochester	Weeks of Richmond
Witham	Whitcomb
Griffin	Tudor
Perkins of Allenstown	Hoskins
Messer	Putnam
Martin	Judkins
George of Salisbury	George of Wendell
Pattee	Page of Coventry
French of Bedford	Swasey
Bixby	Noyes
Patten	Webster
Baker of Hillsborough	Dustin
Monroe	Young of Stewartstown
Marsh	French of Stratford
Boardman	Warner
Morrison	

Ayes 168. Noes 81.

So the question was decided in the affirmative.

*Ordered*, That the bill be read a third time to-morrow afternoon, at three o'clock.

Mr. Baker, from the committee on the Judiciary, who were instructed to inquire into the expediency of licensing Judges of Probate to license administrators and guardians to sell wood and timber standing upon land to enable them to perform their trusts, made a report,

Whereupon—

*Resolved*, That it is inexpedient to legislate upon the subject.

Mr. Baker, from the same committee, who were instructed to inquire into the expediency of amending the law regulating the taking of depositions, made a further report,

Whereupon—

*Resolved*, That it is inexpedient to legislate upon the subject.

Mr. Baker, from the same committee, to whom was referred an act entitled "An act to repeal an act entitled an act to incorporate the proprietors of the Coventry Turnpike Road in New Hampshire," reported the same without amendment.

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Baker, from the same committee, to whom was referred the petition of the firewards and inhabitants of Dover for an additional number of Engine men, made a report,

Whereupon—

*Resolved*, That the committee on the Judiciary be discharged from the further consideration of the same, and that said petition be referred to the committee on Military Affairs.

Mr. Baker, from the same committee, who were instructed to inquire into the expediency of revising the statute laws of New Hampshire, reported the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened*, That three suitable persons be appointed by His Excellency with advice of Council to revise, codify and amend the statute laws of New Hampshire, and report to the Legislature at some subsequent session as soon as may be consistent with the public interest,

Which was read a first and second time—

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

Mr. Baker, from the same committee, who were instructed to inquire into the expediency of repealing so much of an act for the limitation of actions, as exempts the accounts between merchant and merchant, their factors and servants from the operation of said act, reported a bill entitled "An act in amendment of an act entitled an act for the limitation of actions and preventing vexatious suits,"

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon, at three o'clock.

Mr. Sanborn of East Kingston, from the committee on Military Affairs, to whom was referred the petition of Theodore F. Rowe, reported a bill entitled "An act in favor of the Portsmouth Artillery Company in the first regiment of New Hampshire militia,"

Which was read a first and second time.

*Ordered*, That it be read a third time to-morrow afternoon at three o'clock.

On motion of Mr. Ayer—

The House resumed the consideration of the bill entitled an act to provide for the compensation of the person doing the duties of Quarter Master General from July 6, 1839 to July 6, 1840;

Mr. Ayer moved sundry amendments to the bill;

On motion of Mr Chamberlain—

*Ordered*, That the bill be re-committed to the committee on Military Affairs with instructions to report the name of the person, to whom compensation is to be made, and the amount of such compensation.

On motion of Mr. Wells—

The House resumed the consideration of the bill entitled an act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane, with the amendment thereto which was proposed by Mr. Sawyer of Nashua;

Mr. Jenness of Portsmouth moved sundry amendments to the amendment, which were accepted by Mr. Sawyer and made a part of his amendment;

Mr. Baker moved that the bill and amendment lie on the table.

Mr. Jenness of Portsmouth moved that the House adjourn;

And the question being put—

It was decided in the negative.

On the question,

Shall the bill and amendment lie on the table?

It was decided in the negative.

Mr. Leavitt of Chichester moved a further amendment to the amendment, which was accepted by Mr. Sawyer, and made a part of his amendment;

The question recurring,

Shall the amendment proposed by the gentlemen from Nashua, Mr. Sawyer, be adopted?

The Ayes and Noes were called for—

Those who voted in the affirmative are—Messrs.

Robinson of Brentwood	Freese
Tompkins	Gilman
Currier of Chester	Berry of Greenland
Cotton	Towle of Hampton
Sanborn of East Kingston	Dodge

Blake  
Thayer  
White  
Vennard  
Furber  
Hilton  
Stickney  
Currier of Newtown  
Batchelder of North Hampton  
Hill of Northwood  
Crawford  
George of Plaistow  
Robinson of Poplin  
Jenness of Portsmouth  
Lord  
Treadwell  
Moses  
Kelsey  
Langdon  
Poor of Raymond  
Jenness of Rye  
Brown of Seabrook  
Fifield  
Simpson  
McDuffie  
Burleigh of Brookfield  
Thom  
Sawyer of Dover  
Townsend  
Horne  
Drew  
Burnham  
Dame  
Towle of Freedom  
Lawrence  
Davis  
Berry of Milton  
Frost  
Locke of New Durham  
Howard of Rochester  
Witham  
Weeks of Strafford  
Wentworth  
Griffin  
Morrill of Somersworth  
Hall  
Thompson of Wolfeborough  
Perkins of Allenstown  
Morrill of Boscawen  
Little of Boscawen  
Leavitt of Chichester  
Burley of Franklin  
Ayer  
Wallace  
French of Bedford  
Bailey  
Bixby  
Morrison  
Hill of Mason  
Moore of Milford  
Sawyer of Nashua  
Spaulding  
Beard  
Baldwin  
McMillen  
Smith of New Ipswich  
Moor of Peterborough  
Wheeler  
Whittaker  
Kingsbury  
Coolidge  
Piper  
Parker of Fitzwilliam  
Smith of Gilsum  
Dickinson  
Patrick  
Wilson of Keene  
Chamberlain  
Batchelder of Marlborough  
Atwood  
Converse  
Buckminster

Mason	Blodgett
Hayward	Adams
Baker of Troy	Knapp
Tudor	Blaisdell
Bellows	Fellows
Humphrey	Dickerson
Bennett	Allen
Meacham	Lathrop
Warland	Parker of Littleton
Stevens of Claremont	Ely of Littleton
Bingham	Stevens of Lyman
Breck	McGrath
Bean	Perrin
Walker of Langdon	Barron
Forsaith	Learned
Bryant	Little of Warren
Carbee	Whittemore of Colebrook
Wilcomb	Ballou
Brown of Bristol	Tuttle
Weeks of Canaan	Warner

Those who voted in the negative are—Messrs.

Knight	Edgerly
Richardson	Leavitt of Gilmanton
St. Clair	Durrell
Jenness of Deerfield	Wilson of Lee
Dinsmoor	Ela of Meredith
Betton	Eastman
Hatch of Exeter	Shannon
Lane	Norris of New Hampton
Thompson of Salem	Taylor
Brown of South Hampton	Durgin
Charles	Curry
Hill of Alton	Perkins of Strafford
Walker of Barnstead	Randall
Jenkins	Haley
McDaniel	Whitton
Libbey	Scribner
Sanborn of Gilford	Messer
	Smith of Bradford

Morrill of Canterbury	Weeks of Richmond
Shute	Copeland
Carter	Whitcomb
Hoit of Concord	Hoskins
Perley	Silsby
Martin	Putnam
Gould	Willey
Woods	Smith of Lempster
Patterson	Howard of Springfield
Barnard	Judkins
Garland	Chase
Stevens of Newbury	George of Wendall
Trussell	Locke of Alexandria
Cate	Hoit of Bridgewater
George of Salisbury	Winter
Pattee	Page of Coventry
Watkins	Rand
Currier of Wilmot	Merrill
Whittemore of Antrim	Cheney
Poor of Goffstown	Smith of Haverhill
Stevens of Goffstown	Swasey
Patten	Ferrin
Baker of Hillsborough	Cox
Monroe	Noyes
Farley	Parker of Lisbon
Cross	Webster
Marsh	Quincy
Boardman	Whidden
Stark	Peabody
Odell	Pitman
Bruce	Dustin
Gibson	Smith of Carroll
Ames	Young of Stewartstown
McCoy	Perkins of Jackson
Burt	Wells
Woodbury	Smith of Milan
Whittemore of Wilton	Green
Palmer	Young of Errol
	French of Stratford

Ayes 131. Noes 112.

So the amendment was adopted.

Mr. Quincy moved that the bill be further amended by adding a section thereto;

Mr. Sawyer of Nashua moved an amendment to the amendment, which was accepted by Mr. Quincy, and made a part of his amendment.

And on the question,

Shall the amendment proposed by the gentleman from Rumney, Mr. Quincy, be adopted?

It was decided in the affirmative.

Mr. Spaulding of Nashua moved a further amendment to the bill,

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

Mr. Quincy moved that the bill and amendments be referred to the committee on the Judiciary,

Mr. Towle of Hampton moved that the House adjourn,

And on the question being put,

It was decided in the negative.

On the question,

Shall the bill and amendments be referred to the committee on the Judiciary?

It was decided in the negative.

The question then recurring,

Shall the bill be read a third time?

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk :

"Mr. Speaker,—The Senate concur with the House of Representatives in the passage of bills of the following titles, and the following resolutions, to wit:

"An act in addition to an act entitled an act in addition to an act to incorporate the Eastern Rail Road in New Hampshire."

"An act to sever a part of the farm of Daniel McNeil from the town of Alton and annex the same to Barnstead."

"A resolution authorizing the Secretary of State to procure the

printing of the public acts and resolves in the Granite State Democrat, printed at Exeter."

"A resolution directing the Treasurer of this State to collect the amount due the State on the bond of Jasper Elkins and others."

"A resolution providing for the education of indigent deaf and dumb persons of this State at the Asylum at Hartford, and for the education of indigent blind and partially blind persons of this State at the Institution for the Blind at Boston,"

"An act authorizing an increase of the members of Engine Company No. 1, in Claremont."

"An act in favor of the Fitzwilliam Artillery Company."

"An act to change the name of the town of Peeling to Woodstock."

"An act to incorporate School District No. 12, in Warner."

"An act to repeal an act to incorporate certain persons by the name of the proprietors of the Ossipee Bridge."

"An act providing for the compensation of the officers of the civil list."

"An act to incorporate the forty-second regiment of New Hampshire militia."

"An act making appropriation for the militia for the year 1840."

"An act allowing to the first company of Light Infantry in the 6th regiment of New Hampshire militia an additional number of State arms."

"An act to incorporate the Miller Guards."

"An act to amend the laws regulating divorces."

"A resolution in favor of Josiah Stevens, jr., and others."

"A resolution in favor of William McIntire,"

Mr. Smith of Lempster, from the joint committee on Engrossed Bills, reported that they had carefully examined and found correctly engrossed, bills of the following titles, and the following resolutions, to wit :

"An act allowing to the fourth company of Infantry in the thirty-first regiment an additional number of State arms."

"An act to repeal an act entitled an act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice President of the United States approved January 7, 1837."

"An act in addition to an act entitled an act in addition to an act to incorporate the Eastern Rail Road in New Hampshire."

“An act to sever a part of the farm of Daniel McNeil from the town of Alton and annex the same to the town of Barnstead.”

“An act to repeal an act to incorporate certain persons by the name of the proprietors of Ossipee Bridge.”

“An act providing for the compensation of the officers of the civil list.”

“An act to incorporate the forty-second regiment of New Hampshire militia.”

“An act to change the name of the town of Peeling to Woodstock.”

“An act authorizing an increase of the members of Engine Company No. 1 in Claremont.”

“A resolution authorizing the erection of an arsenal in the town of Lancaster.”

“A resolution directing the Secretary of State to procure the printing of the public acts and resolves in the Granite State Democrat.”

“A resolution directing the Treasurer of this State to collect the amount due the State on the bond of Jasper Elkins and others.”

On motion of Mr. Smith of Lempster—

*Resolved*, That a committee be appointed on the part of the House to be joined by the Senate, to wait upon Lawson Coolidge, inform him of his appointment to the office of Warden of the State Prison, and if he accept, to receive of him the customary bond, and to inform His Excellency the Governor of said appointment.”

*Ordered*, That Messrs. Wilson of Keene, Smith of Lempster and Fellows be the committee.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Stickney, from the select committee to whom was referred the bill entitled “An act providing for the return of inventories,” reported the same without amendment.

Mr. Baker moved an amendment to the bill,  
And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Barnard moved that the House do now adjourn,  
And on the question being put—  
Mr. Webster called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Knight	Perkins of Strafford
Robinson of Brentwood	Weeks of Strafford
Richardson	Wentworth
Tompkins	Griffin
Currier of Chester	Hall
Betton	Haley
Dodge	Copp
Thayer	Perkins of Allenstown
White	Morrill of Boscawen
Vennard	Little of Boscawen
Stickney	Messer
Hill of Northwood	Smith of Bradford
Crawford	Morrill of Canterbury
George of Plaistow	Leavitt of Chichester
Robinson of Poplin	Shute
Kelsey	Carter
Poor of Raymond	Hoit of Concord
Thompson of Salem	Perley
Simpson	Burley of Franklin
Charles	Gould
Hill of Alton	Woods
Walker of Barnstead	Patterson
Jenkins	Barnard
Libbey	Trussell
Burnham	Cate
Durrell	Page of Sutton
Ela of Meredith	Pattee
Eastman	Watkins
Berry of Milton	Currier of Wilmot
Frost	Wallace
Locke of New Durham	Whittemore of Antrim
Howard of Rochester	French of Bedford
Witham	Goodale
Durgin	Bixby
Curry	Stevens of Goffstown

Patten	Breck
Farley	Putnam
Cross	Bean
Boardman	Walker of Langdon
Stark	Hatch of Newport
Morrison	Forsaith
Hill of Mason	Bryant
Odell	Howard of Springfield
Moore of Milford	Chasé
Bruce	Wilcomb
Baldwin	Hoit of Bridgewater
McMillen	Brown of Bristol
McCoy	Winter
Burt	Weeks of Canaan
Wheeler	Rand
Woodbury	Blodgett
Whittaker	Adams
Kingsbury	Cheney
Coolidge	Blaisdell
Parker of Fitzwilliam	Fellows
Smith of Gilsum	Smith of Haverhill
Dickinson	Ferrin
Patrick	Noyes
Wilson of Keene	Allen
Chamberlain	Lathrop
Palmer	Parker of Lisbon
Atwood	Parker of Littleton
Weeks of Richmond	Ely of Littleton
Converse	McGrath
Buckminster	Quincy
Copeland	Little of Warren
Whitcomb	Pitman
Baker of Troy	Whittemore of Colebrook
Tudor	Dustin
Bellows	Smith of Carroll
Humphrey	Tuttle
Bennett	Young of Stewartstown
Silsby	Perkins of Jackson
Meacham	Wells
Stevens of Claremont	Young of Errol
Bingham	

Those who voted in the negative are—Messrs.

Cotton	Randall
St. Clair	Whitton
Jenness of Deerfield	Ayer
Dinsmoor	Garland
Sanborn of East Kingston	Stevens of Newbury
Hatch of Exeter	George of Salisbury
Gilman	Poor of Goffstown
Berry of Greenland	Baker of Hillsborough
Towle of Hampton	Monroe
Blake	Marsh
Furber	Sawyer of Nashua
Hilton	Spaulding
Currier of Newtown	Beard
Batchelder of North Hampton	Gibson
Jenness of Portsmouth	Ames
Lord	Whittemore of Wilton
Treadwell	Piper
Moses	Batchelder of Marlborough
Langdon	Mason
Jenness of Rye	Hayward
Brown of Seabrook	Hoskins
Brown of South Hampton	Judkins
Fiifield.	George of Wendell
McDuffie	Locke of Alexandria
McDaniel	Carbee
Burleigh of Brookfield	Page of Coventry
Townsend	Merrill
Horne	Swasey
Drew	Dickerson
Wedgewood	Cox
Dame	Stevens of Lyman
Towle of Freedom	Latham
Lawrence	Perrin
Sanborn of Gilford	Webster
Edgerly	Whidden
Leavitt of Gilmanton	Peabody
Shannon	Smith of Milan
Norris of New Hampton	French of Stratford
Taylor	Warner

Ayes 151. Noes 78.

So the motion to adjourn prevailed.

And the House adjourned.

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FRIDAY, JUNE 19, 1840.

On motion of Mr. Warner—

*Resolved*, That the rules of the House be so far suspended, as to dispense with the reading of the Journal of yesterday.

Mr. Frost of Middleton presented the petition of Jacob P. Burrell, praying for the removal of certain officers in the thirty-third regiment of New Hampshire Militia.

*Ordered*, That it be referred to the committee on Military Affairs.

Mr. Hatch of Exeter presented the petition of Francis Drake and others, praying for an act of incorporation for a Railroad from North Hampton to Exeter.

*Ordered*, That it be referred to the committee on Roads, Bridges and Canals.

Mr. Quincy, from the committee on the State Prison, to whom was referred so much of the message of His Excellency the Governor as relates to that subject, and also the report of the Warden of the State Prison, made a report,

Whereupon—

*Resolved*, That no further legislation on the subject is necessary at the present session of the Legislature.

Mr. Wells, from the committee on Banks, to whom was referred a resolution instructing them to inquire into the expediency of repealing the charter of the Wolfeborough Bank, having had that subject under consideration, and duly considering a communication in writing made to them by the Directors and Cashier of said Bank, made a report,

Whereupon—

*Resolved* That His Excellency the Governor be requested to direct one or more of the Bank Commissioners to proceed forthwith against said Bank agreeably to the joint resolution of the Senate and House of Representatives, approved July 6, 1839, and further to cause the Attorney General to institute such pro-

ceedings as may be necessary to vacate the charter of said Bank.

Mr. Lawrence, from the committee on military accounts, to whom was referred the account of Robert Davis, late Quarter Master General, made a report, accompanied by the following resolution;

*Resolved by the Senate and House of Representatives in General court convened,* That Robert Davis, late Quarter Master General, pay, and is hereby directed to pay the sum of ninety-five dollars and sixty cents to the Treasurer of this State, and said Treasurer is directed to give a receipt for the same.

Which was read a first time.

On motion of Mr. Smith of Bradford—

*Resolved,* That the rules of the House be so far suspended that the resolution be read a second time at the present time.

The resolution was then read a second time.

On motion of Mr. Treadwell—

*Resolved,* That the rules of the House be so far suspended, that the resolution be read a third time at the present time.

The resolution was then read a third time.

*Resolved,* That it pass.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lawrence, from the committee on military accounts, to whom was recommitted the resolution in favor of Joseph Hill, made a report,

Whereupon—

*Resolved,* That the further consideration of said resolution be postponed to the adjourned session of the Legislature.

Mr. Bennett, from the committee on Elections, to whom was referred the petition of Solomon Jesseman and others, inhabitants of Franconia in the county of Grafton, praying for the exclusive right to send a Representative to the General Court, made a report,

Whereupon—

*Resolved,* That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Cox, from the same committee, to whom was referred the resolution, that Nash and Sawyer's Location, Hart's Location and Crawford Grant in the county of Coos, be classed for the purpose of electing a Representative to the General Court, made a report,

Whereupon—

*Resolved,* That the further consideration of said resolution be postponed to the adjourned session of this Legislature.

Mr. Cox, from the same committee, to whom was referred the

resolution, that the place called Pinkham's Grant in the County of Coos, be classed with the town of Jackson for the purpose of electing a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the further consideration of said resolution be postponed to the adjourned session of this Legislature.

Mr. Gibson, from the same committee, to whom was referred the petition of the Selectmen of Peeling, praying for the right to send a Representative to the General Court, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. St. Clair, from the same committee, to whom was referred the remonstrance of Samuel Shaw and others against the right of John T. Blake of Kensington, to hold a seat in this House as a Representative from said town, made a report, accompanied by the following resolution;

*Resolved*, That John T. Blake, returned a member from the town of Kensington, is entitled to a seat in this House, and that the remonstrants have leave to withdraw their remonstrance.

Mr. Treadwell moved that the further consideration of the report and resolution be postponed to the adjourned session of the Legislature.

And on the question being put,

It was decided in the affirmative.

Mr. Lane, from the committee on Claims, to whom was referred the accounts of David H. Collins, Asa Fowler, William Fisk, John F. Brown, James Straw, Porter & Rolfe, Zenas Clement, Currier & Hall, Franklin Evans and Bradbury Gill, reported the following resolution.

*Resolved, by the Senate and House of Representatives in General Court convened*, That David H. Collins be allowed the sum of three hundred seventy dollars and seventy cents; Asa Fowler one hundred forty-one dollars; William Fisk one hundred eighty dollars and twenty cents; John F. Brown forty-seven dollars; James Straw nine dollars and thirty cents; Porter & Rolfe twenty-one dollars and ninety-one cents; Zenas Clement twenty-eight dollars and sixty-three cents; Currier & Hall ten dollars and twenty cents; Franklin Evans seven dollars and forty-five cents; Bradbury Gill two dollars and two cents, in full for their several accounts, the same to be paid out of any money in the Treasury not otherwise appropriated.

Which was read three several times.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. McDaniel, from the committee on Incorporations, to whom was referred the petition of Sarah Livermore and others, praying for an act of incorporation by the name of the Concord Female Charitable Society, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Learned, from the committee on military affairs, to whom was referred the petition of the officers and soldiers of the 13th regiment of New Hampshire Militia, praying for an alteration of the law in relation to the powers and duties of surgeons, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Learned, from the same committee to whom was referred the petition of Samuel J. Mackres and others, for a grant of State arms to the 8th company of Infantry in the fifth regiment of New Hampshire Militia, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Cate, from the same committee, to whom was referred the petition of Loring Stoddard and others, for the removal of Jonathan W. Sanborn, Captain of the fifth company of Infantry in the thirty-third regiment of New Hampshire Militia, made a report,

Whereupon—

*Resolved*, That the further consideration of the said petition be postponed to the second Thursday of the adjourned session of this Legislature, and that John Churchill, one of the petitioners, be ordered to furnish said Captain, J. W. Sanborn, with a copy of the said petition with the names thereto subscribed, together with a specification of the allegations made against said Sanborn as said Captain, and upon which the petitioners rely as a sufficient cause for his, said Sanborn's removal, at least thirty days before said day of hearing.

Mr. Cate, from the same committee, to whom were referred sundry petitions for the removal of certain officers, reported an address for the removal of certain officers.

Which was read—

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Cate, from the same committee, to whom was recommitted the bill to provide for the compensation of the person, who had discharged the duties devolving upon the Quarter Master General prior to an act passed July 6, 1839, reported a bill entitled an act in favor of Charles H. Peaslee, Adjutant and Inspector General.

Which was read a first time.

Mr. Cate moved that the rules of the House be so far suspended that the bill be read a second time at the present time.

And on the question being put—

It was decided in the affirmative.

The bill was then read a second time.

Mr. Cate moved that the rules of the House be so far suspended, that the bill be read a third time at the present time.

And on the question being put—

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Blake, from the committee on military affairs, to whom was referred the petition of the field officers of the 19th regiment of New Hampshire Militia for the removal of an officer, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Woods, from the same committee, to whom was referred the petition of the field officers and others of the 20th regiment of New Hampshire Militia, for the removal of an officer, made a report,

Whereupon—

*Resolved*, That the further consideration of said petition be postponed to the adjourned session of the Legislature.

Mr. Swasey, from the committee on the Judiciary, to whom was referred the bill entitled an act in amendment of an act entitled an act in addition to an act entitled an act for laying out highways, passed July 3, 1829, reported the same without amendment.

*Ordered*, That the bill be read a third time.

Mr. Swasey moved that the rules of the House be so far suspended, that the bill be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Baker, from the same committee, to whom was referred the bill entitled an act to establish times and places for holding Courts of Probate in the County of Coos, reported the same without amendment.

*Ordered*, That the bill be read a third time.

Mr. Baker moved that rules of the House be so far suspended that the bill be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Baker, from the same committee, to whom was referred the bill to abolish imprisonment for debt, also the bill to regulate imprisonment for debt, reported the following resolution.

*Resolved*, That the same be indefinitely postponed.

On the question,

Shall said resolution pass?

It was decided in the negative.

Mr. Quincy moved that the further consideration of said bills be postponed to the adjourned session of the Legislature.

And on the question being put,

It was decided in the affirmative.

Mr. Baker, from the same committee, to whom was referred the petition of Joel Angier and others, praying for an alteration of the law for the assessment of taxes, made a report,

Whereupon—

*Resolved*, That the petitioners have leave to withdraw their petition.

Mr. Jenness of Deerfield, from the committee on Agriculture and Manufactures, to whom was referred the petition of Daniel French and others, for a bounty on the cultivation of silk, made a report,

Whereupon—

*Resolved*, That the further consideration of the subject be postponed to the adjourned session of the Legislature.

Mr. St. Clair, from the committee on Elections, to whom was referred the petition of the Selectmen of Pembroke praying that said town may be authorized to elect a Representative at the time of the choice of Electors of President and Vice President of the United States, in November, 1840, reported the following resolution;

*Resolved by the Senate and House of Representatives in General Court convened*, That the town of Pembroke be and they are hereby authorized to elect a Representative to the General Court the present year, to be chosen at the time of the choice of Electors of President and Vice President of the United States in November, 1840, in the same way and manner as Representatives are now chosen at the annual election in March, any law, usage, or custom to the contrary notwithstanding.

Which was read a first time—

It was moved that said resolution be indefinitely postponed.

And on the question being put,

It was decided in the affirmative.

Mr. Wells, from the committee on Banks, to whom was referred a resolution instructing them to inquire into the expediency of repealing the charter of the Concord Bank, made a report accompanied by the following resolution;

*Resolved*, That His Excellency the Governor be requested to direct the Bank Commissioners to proceed against said Bank under the law relating to Banks and Banking and to establish Bank Commissioners for the State of New Hampshire, and wind up the affairs of said Bank, unless the Stockholders thereof shall on or before the first day of August next give security to the satisfaction of a majority of the Bank Commissioners, that all liabilities of said Bank, except to the Stockholders shall be fully paid and discharged on demand, and that also from and after the passage of this resolution, the officers and managers of said Bank fully and absolutely abstain from reissuing any of the bills of said Concord Bank.

On the question,

Shall said resolution pass?

It was decided in the affirmative.

Mr. Ayer, from the select committee consisting of the delegation of the County of Merrimack, to whom was referred the bill

entitled an act to remove one term of the Courts from Concord and establish the same at Hopkinton, made a report,

Whereupon—

*Resolved*, That the aforesaid bill be postponed to the adjourned session of this Legislature.

Mr. Smith of Lempster, from the joint committee on Engrossed Bills, reported that they have carefully examined and find correctly engrossed, bills and resolutions with the following titles:

“An act allowing to the fourth company of Infantry in the thirty-first regiment of New Hampshire Militia an additional number of State arms.”

“An act to repeal an act entitled an act in addition to and in amendment of an act directing the mode of choosing and appointing Electors of President and Vice President of the United States, approved January 7, 1837.”

“An act in addition to an act entitled an act in addition to an act to incorporate the Eastern Railroad in New Hampshire.”

“An act to sever a part of the farm of Daniel McNeil from the town of Alton and annex the same to the town of Barnstead.”

“An act to repeal an act to incorporate certain persons by the name of the proprietors of Ossipee Bridge.”

“An act providing compensation for the officers of the civil list.”

“An act to constitute the forty-second regiment of New Hampshire militia.”

“An act to change the name of the town of Peeling to Woodstock.”

“An act authorizing an increase of the members of Engine Company No. 1, in Claremont.”

“A resolution authorizing the erection of an Arsenal in the town of Lancaster.”

“A resolution directing the Secretary of State to procure the printing of the public acts and resolves in the Granite State Democrat.”

“A resolution directing the Treasurer of this State to collect the amount due the State on the bond of Jasper Elkins and others.”

Which were severally signed by the Speaker.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Shannon, from the select committee appointed to notify the Secretary, Treasurer and Commissary General of their election, reported, that they have attended to that duty, and that each of those gentlemen has signified his acceptance of the office to

which he has been elected, and has executed the required bonds, which are now laid before the House.

On motion of Mr. Treadwell—

*Resolved*, That the foregoing report be accepted, and that the bonds of the Treasurer and Commissary General be filed with the Secretary of State, and that the bond of the Secretary of State be filed with the Treasurer.

Mr. Lane presented the account of Jeremiah Gates ;

Mr. Smith of Lempster presented the account of Marsh, Capen & Lyon ;

Mr. Smith of Bradford presented the account of John Whipple ;

*Ordered*, That the foregoing accounts be severally referred to the committee on Claims.

Mr. Shannon introduced the following joint resolution ;

*Resolved by the Senate and House of Representatives in General Court convened*, That Jeremiah Gates be allowed the sum of four dollars in full for his services, that Aaron Carter be allowed the sum of thirty-two dollars in full for his services, that Jacob C. Carter be allowed the sum of forty dollars in full for his services, and that Atkinson Webster and Philip Sargent be allowed the sum of thirty-six dollars each, in full for their services ; and that the same be paid out of any money in the Treasury, not otherwise appropriated.

Which was read three several times.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Quincy—

The House resumed the consideration of the resolution fixing on a day to which the present session of the Legislature shall adjourn.

On the question,

Shall said resolution pass ?

It was decided in the affirmative.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Treadwell—

The House proceeded to the consideration of the bill relating to Railroads and other corporations.

Mr. Baker moved an amendment to the bill.

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

Mr. Baker moved a further amendment to the bill.

Mr. Sawyer of Nashua moved an amendment to the amendment.

Which was accepted by the mover.

Mr. Stickney moved an amendment to the amendment.

On the question,

Shall the amendment to the amendment be adopted?

It was decided in the affirmative.

And on the question,

Shall the amendment as amended be adopted?

It was decided in the affirmative.

Mr. Sawyer of Nashua moved a further amendment to the bill.

On the question,

Shall said amendment be adopted?

It was decided in the negative.

Mr. Wells proposed another amendment to the bill.

On the question,

Shall said amendment be adopted?

It was decided in the affirmative.

On the question,

Shall the bill be read a third time?

Mr. Treadwell moved that the rules of the House be so far suspended, that the bill be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk:

"Mr. Speaker,—The Senate concur with the House of Representatives in the passage of a joint resolution, appointing a joint select committee to wait upon Lawson Coolidge and inform him of his election to the office of Warden of the State Prison, and to receive of him the customary bond, and inform His Excellency of his appointment, and have on their part joined Mr. Renton."

Mr. Wilson of Keene, from the joint select committee, to which was referred the joint resolution requiring them to inform

Lawson Coolidge of his appointment as Warden of the States Prison, and to receive of him the customary bond, and inform His Excellency of said appointment, reported, that they have notified said Coolidge of his appointment to the office of Warden of the States Prison—that said Coolidge has signified his acceptance—that he has furnished a bond to the State in the sum of twenty thousand dollars, with sureties of unquestioned ability, for the faithful performance of the duties of said office, of all which the committee has notified His Excellency the Governor.

On motion—

*Resolved*, That the foregoing report be accepted, and that the bond of the Warden of the State Prison be filed with the Secretary of State.

The House proceeded to the order of the day upon the bill entitled an act in addition to and in amendment of an act entitled an act regulating process and trials in civil cases,

Which was read a second time.

Mr. Ayer moved that the further consideration of the bill be postponed to the adjourned session of the Legislature.

And on the question being put—

It was decided in the affirmative.

Also to the consideration of the resolution in favor of John C. Gerrish.

Which was read a second time.

Mr. Treadwell moved that the rules of the House be so far suspended, that the resolution be read a third time at the present time.

And on the question being put—

It was decided in the affirmative.

The resolution was then read a third time.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Also to the consideration of the bill to incorporate Engine Company No. 4, in Concord.

Which was read a second time—

On the question,

Shall the bill be read a third time?

Mr. McDaniel moved that the rules of the House be so far suspended, that the bill be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

Mr. Parker of Lisbon moved that the bill be put upon its second reading for the purpose of amendment.

And on the question being put,

It was decided in the affirmative.

Mr. Parker of Lisbon moved to amend the bill by striking out the words "thirty-five" and inserting in lieu thereof the words "twenty-five."

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

Mr. McDaniel moved that the rules of the House be so far suspended, that the bill be read a third time at the present time by its title.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Smith of Lempster from the joint committee on Engrossed Bills, reported, that they have carefully examined and find correctly engrossed, bills and resolutions of the following titles:

"An act making appropriations for the militia of this State for the year 1840."

"An act to exempt the town of Newington from the operation of the provisions of the first section of an act providing for the division of towns into school districts and for the alteration of the limits of school districts in certain cases, passed July 6, 1839."

"An act to incorporate School District No. 12 in Warner."

"An act in favor of the Fitzwilliam Artillery Company."

"An act allowing to the first company of Light Infantry in the 6th regiment of New Hampshire militia an additional number of arms."

"An act to incorporate the Miller Guards."

"An act to amend the laws regulating divorces."

"A resolution in favor of William McIntire,"

"A resolution in favor of Josiah Stevens, jr., and others."

"A resolution appropriating fifteen hundred dollars for the education of deaf and dumb persons at the Asylum at Hartford, and one thousand dollars for the education of the blind at the Institution for the blind and partially blind at Boston."

Which were severally signed by the Speaker.

*Ordered*, That the Clerk inform the Senate thereof.

On motion of Mr. Treadwell—

The House proceeded to the consideration of the bill to abolish the right to vote by proxy.

Mr. Quincy moved that the bill be postponed to the adjourned session of the Legislature.

Mr. Treadwell moved that the bill be indefinitely postponed.

Mr. Blaisdell moved that the bill lie upon the table.

On this question Mr. Treadwell called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Knight	Piper
Robinson of Brentwood	Parker of Fitzwilliam
Richardson	Smith of Gilsum
Tompkins	Dickinson
Cotton	Patrick
Dodge	Chamberlain
Thayer	Batchelder of Marlborough
White	Atwood
Stickney	Converse
Brown of Seabrook	Buckminster
Fifield	Mason
Charles	Hayward
Lawrence	Baker of Troy
Berry of Milton	Tudor
Shannon	Bellows
Howard of Rochester	Humphrey
Griffin	Meacham
Merrill of Somersworth	Stevens of Claremont
Little of Boscawen	Bingham
Messer	Breck
Ayer	Walker of Langdon
Wallace	Hatch of Newport
Boardman	Adams
Stark	Blaisdell
Sawyer of Nashua	Fellows
Spaulding	Allen
Beard	Lathrop
Baldwin	Parker of Littleton
Smith of New Ipswich	Perrin
Coolidge	Young of Stewartstown

Those who voted in the negative are—Messrs.

Currier of Chester	Horne
St. Clair	Drew
Jenness of Deerfield	Burnham
Dinsmoor	Wedgewood
Sanborn of East Kingston	Dame
Hatch of Exeter	Towle of Freedom
Gilman	Edgerly
Berry of Greenland	Leavitt of Gilmanton
Lane	Durrell
Towle of Hampton	Ela of Meredith
Blake	Frost
Vennard	Locke of New Durham
Furber	Norris of New Hampton
Hilton	Witham
Currier of Newtown	Taylor
Batchelder of North Hampton	Durgin
Hill of Northwood	Curry
Crawford	Perkins of Strafford
George of Plaistow	Weeks of Strafford
Jenness of Portsmouth	Randall
Lord	Hall
Treadwell	Haley
Moses	Whitton
Kelsey	Thompson of Wolfeborough
Langdon	Perkins of Allenstown
Poor of Raymond	Scribner
Jenness of Rye	Morrill of Boscowen
Thompson of Salem	Smith of Bradford
Brown of South Hampton	Morrill of Canterbury
Simpson	Leavitt of Chichester
Hill of Alton	Shute
McDuffie	Carter
Walker of Barnstead	Hoit of Concord
Jenkins	Perley
McDaniel	Martin
Burleigh of Brookfield	Burley of Franklin
Libbey	Gould
Sawyer of Dover	Woods
Townsend	Patterson

Barnard	Putnam
Garland	Bean
Stevens of Newbury	Smith of Lempster
Trussell	Bryant
George of Salisbury	Howard of Springfield
Page of Sutton	Judkins
Pattee	Chase
Watkins	George of Wendall
Carrier of Wilmot	Locke of Alexandria
French of Bedford	Carbee
Bailey	Wilcomb
Goodale	Hoit of Bridgewater
Bixby	Brown of Bristol
Poor of Goffstown	Winter
Stevens of Goffstown	Weeks of Canaan
Patten	Page of Coventry
Baker of Hillsborough	Rand
Monroe	Blodgett
Farley	Merrill
Cross	Smith of Haverhill
Marsh	Swasey
Morrison	Ferrin
Hill of Mason	Dickerson
Odell	Cox
Moore of Milford	Noyes
Bruce	Parker of Lisbon
McMillen	Ely of Littleton
Gibson	Stevens of Lyman
Ames	McGrath
Moor of Peterborough	Barron
McCoy	Learned
Burt	Webster
Wheeler	Quincy
Woodbury	Whidden
Whittaker	Little of Warren
Whittemore of Wilton	Peabody
Palmer	Pitman
Weeks of Richmond	Smith of Carroll
Whitcomb	Ballou
Hoskins	Perkins of Jackson
Silsby	Wells

Smith of Milan

Warner

French of Stratford

Ayes 60. Noes 163.

So the motion that the bill lie upon the table did not prevail.

Mr. Dodge moved that the House do now adjourn.

And on the question being put—

Mr. Smith of Bradford called for the ayes and noes.

Mr. Dodge withdrew his motion to adjourn.

Mr. Treadwell withdrew his motion that the bill be indefinitely postponed.

The question then recurred,

Shall the bill be postponed to the adjourned session of the Legislature.

Which was decided in the negative without a division.

On the question,

Shall the bill be read a third time ?

It was decided in the affirmative.

Mr. Baker moved that the rules of the House be so far suspended, that the bill be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Ela—

The House adjourned.

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## AFTERNOON.

On motion of Mr. Ayer—

*Resolved*, That the committee on Finance be instructed to inquire what amount has been paid for postage by the Secretary of State, Adjutant General, and acting Quarter Master General, and report to this House.

Mr. Ayer submitted the following resolution ;

*Resolved by the Senate and House of Representatives in Gen-*

eral Court convened, That all blanks, packages, laws and journals which are annually required to be sent out from the Secretary's office, shall be forwarded to the office of Register of Deeds for the several counties, to be distributed by said Registers to the several towns within their respective Counties.

Which was read a first and second time.

On motion of Mr. Aye r—

*Resolved*, That the rules of the House be so far suspended, that the resolution be read a third time at the present time.

The resolution was then read a third time.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. McDaniel moved that the rules of the House be so far suspended, that all bills and resolutions ordered to a third reading this afternoon at three o'clock, be read at the present time.

And on the question being put,

It was decided in the affirmative.

The House proceeded to the order of the day upon bills of the following titles, and the following resolutions, to wit :

“An act to extend the time for the completion of the Sewalls Falls Locks and Canal.”

“An act in amendment of an act entitled an act for the limitation of actions and preventing vexatious suits.”

“An act suspending for a limited time the operation of an act entitled an act prohibiting the emission and circulation of bank bills of a small denomination.”

“An act in favor of the Strafford Guards.”

“An act to annex a certain tract of land in Landaff to School District No. 2 in the town of Lincoln.”

“An act in favor of the Nashua Literary Institution.”

“An act to alter the names of certain persons.”

“An act in favor of the Portsmouth Artillery Company.”

“A resolution relating to school returns.”

“A resolution appointing Jacob C. Carter Librarian for the ensuing year.”

“A resolution authorizing the Librarian to procure the binding of certain books and pamphlets now in the State Library.”

“A resolution providing for the revising, codifying and amending of the statute Laws of New Hampshire.”

Which were severally read a third time.

*Resolved*, That they pass and that their titles be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Also, a bill entitled "An act to repeal an act entitled an act to incorporate the proprietors of the Coventry Turnpike Road in New Hampshire."

Which was read a third time.

Mr. Wells moved that the bill be postponed to the adjourned session of the Legislature.

Which motion was afterwards withdrew by the mover.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Also a bill entitled an act in favor of the Nashua Artillery Company.

Mr. Baker moved an amendment to the bill.

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

Mr. Baker moved a second amendment to the bill,

And on the question,

Shall said amendment be adopted?

It was decided in the affirmative.

Mr. Baker moved a further amendment to the bill.

And on the question,

Shall said amendment be adopted?

It was decided in the affirmative.

Mr. Cate moved an amendment to the bill.

And on the question,

Shall said amendment be adopted?

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Also a bill entitled "An act to provide for the choice of Road Commissioners."

Which was read a third time—

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Taylor, from the joint committee on the State House and State House Yard, reported a joint resolution appointing Wil-

liam Fiske to take charge of the State House and State House Yard, the ensuing year.

Which was read three several times.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

The Speaker laid before the House the report of the directors of the Eastern Railroad in New Hampshire,

Which was read.

*Ordered*, That it be filed in the office of the Secretary of State.

On motion of Mr. Treadwell—

*Resolved*, That all bills, resolutions and other papers, which have been referred to the several committees, and which have not been by them reported to the House, be deposited in the office of the Secretary of State until the adjourned session.

On motion of Mr. Parker of Fitzwilliam—

*Resolved*, That when the House adjourn this afternoon, it adjourn to meet at five o'clock to-morrow morning.

Mr. Cate submitted the following preamble and resolutions :

Whereas, by the Constitution of the United States, Congress has the authority to call forth, organize, arm, and discipline the militia of the several States in the Union, and whereas a well regulated militia is the proper, sure and natural defence of a State, and whereas in and during the revolutionary war, as also in and during the last war, the militia was comparatively small in numbers to what it is at the present time, and feeble and inefficient from a want of uniformity in equipments and discipline, and whereas it is not in accordance with the genius and spirit of our free institutions to exact of our fellow citizens more military service, nor a longer time, in which such citizen shall be enrolled and be made liable to do military duty than the exigencies of the present or a proper forecast for the future shall demand, and whereas the citizen soldier, while and during the time he is enrolled, is liable and is bound by the laws of the land to uniform, equip, and hold himself in readiness for any and all emergencies, whether the same shall originate from civil feuds or foreign invasion, which requisitions burden him with an expense and loss of time, which expense and loss of time is as much for the benefit of others not made liable under the present organization as himself, and whereas it is not equitable or constitutional to oblige one citizen to prepare and qualify himself to defend and protect another without a mutuality of benefit, and whereas the disreputation under which the militia

has labored and struggled has been owing to the large class now exempted from duty by law, and whereas such exempted class is well able to do and perform duty as those who are obliged to perform it—and whereas the said system was instituted for the mutual benefit of the whole, and not for the purpose of imposing all its burdens upon the industrious and laboring part of community, (which is practically the operation of the present organization) and whereas the time has arrived, in the opinion of this Legislature, when a new organization of the whole military system should be made, basing the same upon the principles of equal rights and equal justice, favoring one class no more than another, and whereas such an organization and such a system by enrolling all would by limiting the time now required by law, still furnish the country with a force adequate to any crisis which can occur, and thereby relieve the burdens of a large and valuable part of our community.

*Therefore be it Resolved by the Senate and House of Representatives now in General Court convened,* That in the opinion of this Legislature, Congress ought to immediately reorganize the militia system by limiting the time for the performance of military duty to the age of eighteen and forty, requiring no personal service for the last five years, and exempt no free white male citizen from said duty, but oblige all between said named ages to render personal military service or pay an equivalent, saving and exempting those who have been regularly discharged by commission, and those exempted by the constitutions of the several States.

*And be it further resolved,* That the Senators from this State and the Representatives in the Congress of the United States be requested to use all proper exertions to effect the objects expressed in the foregoing preamble and resolution.

*And be it further resolved,* That the Secretary of State be required to transmit a certified copy of the foregoing preamble and resolutions to each of our members in the Congress of the United States from this State.

Which was read.

On motion of Mr. Cate—

*Resolved,* That the further consideration of the same be postponed to the adjourned session of the Legislature.

Mr. St. Clair submitted the following joint resolution :

*Resolved by the Senate and House of Representatives in General Court convened,* That the Treasurer of this State is hereby authorized to pay John T. Blake, the sum of forty-five dollars of any money in the Treasury not otherwise appropriated.

Which was read a first and second time.

Mr. St. Clair moved that the rules of the House be so far suspended, that the resolution be read a third time at the present time.

And on the question being put,

It was decided in the affirmative.

The resolution was then read a third time.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

On motion of Mr. Knapp—

*Resolved*, That the thanks of this House be presented to those Rev. gentlemen who have officiated as Chaplains during the present session.

On motion of Mr. Quincy—

*Resolved*, That the House take a recess until half past four o'clock this afternoon.

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#### HALF PAST FOUR O'CLOCK

A message from the Senate by their Clerk:

“Mr. Speaker,—The Senate concur with the House of Representatives in the passage of the following bills, to wit:

“An act providing for the return of inventories.”

“An act entitled an act to incorporate certain persons by the name of the Hopkinton Village Aqueduct Association.”

“An act in favor of Charles H. Peaslee, Adjutant and Inspector General.”

“An act to establish times and places for holding Probate Courts in the county of Coos.”

“An act to amend the laws relating to the laying out of highways.”

“An act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane,” with an amendment, in which they ask the concurrence of the House.

The Senate concur with the House of Representatives in the passage of the following resolutions:

“A resolution authorizing the Treasurer to borrow money for the benefit and use of the State.”

"An address for the removal of certain officers."

"A resolution directing Robert Davis to pay a certain sum of money to the Treasurer."

"A resolution in favor of Jeremiah Gates and others."

"A resolution in favor of David H. Collins and others."

The House proceeded to the consideration of the amendment proposed by the Hon. Senate to the bill entitled "An act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane."

Mr. Treadwell moved that the House do not concur in the amendment proposed by the Hon. Senate.

But before the question was put,

Mr. Treadwell withdrew his motion.

Mr. Quincy moved that the House concur in the amendment proposed by the Hon. Senate.

On this question,

Mr. Ayer called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Knight	Leavitt of Gilmanton
Richardson	Durrell
Cotton	Ela of Meredith
St. Clair	Frost
Jenness of Deerfield	Shannon
Dinsmoor	Locke of New Durham
Betton	Norris of New Hampton
Hatch of Exeter	Taylor
Berry of Greenland	Durgin
Lane	Curry
Thompson of Salem	Perkins of Strafford
Charles	Weeks of Strafford
Hill of Alton	Hall
McDaniel	Whitton
Burleigh of Brookfield	Thompson of Wolfeborough
Libbey	Scribner
Weigewood	Messer
Dame	Smith of Bradford
Towle of Freedom	Shute
Sanborn of Gilford	Carter
Edgerly	Hoit of Concord

Perley	Weeks of Richmond
Martin	Copeland
Gould	Whitecomb
Woods	Hoskins
Patterson	Silsby
Barnard	Putnam
Garland	Willey
Stevens of Newbury	Smith of Lempster
Cate	Hatch of Newport
George of Salisbury	Howard of Springfield
Pattee	Judkins
Watkins	Chase
Goodale	Locke of Alexandria
Poor of Goffstown	Wilcomb
Stevens of Goffstown	Hoit of Bridgewater
Whittemore of Greenfield	Page of Coventry
Patten	Rand
Baker of Hillsborough	Cheney
Monroe	Smith of Haverhill
Farley	Swasey
Cross	Ferrin
Marsh	Dickerson
Boardman	Cox
Stark	Parker of Lisbon
Morrison	Webster
Odell	Quincy
Bruce	Whidden
McMillen	Peabody
Ames	Pitman
McCoy	Dustin
Burt	Smith of Carroll
Woodbury	Perkins of Jackson
Whittaker	Wells
Whittemore of Wilton	Smith of Milan
Smith of Gilsum	Young of Errol
Palmer	French of Stratford

Those who voted in the negative are—Messrs.

Robinson of Brentwood  
Freese

Gilman  
Towle of Hampton

Dodge	Burley of Franklin
Blake	Ayer
Thayer	Wallace
White	French of Bedford
Vennard	Bailey
Furber	Bixby
Hilton	Moore of Milford
Stickney	Sawyer of Nashua
Currier of Newtown	Spaulding
Batchelder of North Hampton	Beard
Crawford	Baldwin
George of Plaistow	Smith of New Ipswich
Robinson of Poplin	Gibson
Jenness of Portsmouth	Moore of Peterborough
Lord	Wheeler
Treadwell	Kingsbury
Moses	Coolidge
Kelsey	Piper
Langdon	Parker of Fitzwilliam
Poor of Raymond	Dickinson
Jenness of Rye	Patrick
Brown of Seabrook	Chamberlain
Fifield	Batchelder of Marlborough
Simpson	Atwood
McDuffie	Converse
Sawyer of Dover	Mason
Townsend	Hayward
Burnham	Baker of Troy
Harmon	Humphrey
Wilson of Lee	Meacham
Howard of Rochester	Stevens of Claremont
Witham	Bingham
Wentworth	Breck
Randall	Bean
Griffin	Walker of Langdon
Morrill of Somersworth	Forsaith
Haley	Bryant
Morrill of Boscawen	Carbee
Little of Boscawen	Brown of Bristol
Morrill of Canterbury	Weeks of Canaan
Leavitt of Chichester	Blodgett

Adams	Parker of Littleton
Knapp	Ely of Littleton
Blaisdell	McGrath
Fellows	Perrin
Noyes	Learned
Allen	Little of Warren
Lathrop	Ballou

Ayes 114. Noes 100.

So the motion to concur in the amendment proposed by the Hon. Senate prevailed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. McDaniel moved that the bill entitled "An act in addition to and in amendment of an act entitled an act in addition to an act empowering school districts to build and repair school Houses," be now taken up and disposed of.

And on the question being put,

It was decided in the affirmative.

The bill was then read a second time.

Mr. Parker of Fitzwilliam moved that the further consideration of the bill be postponed to the adjourned session of the Legislature.

And on the question being put,

It was decided in the affirmative.

Mr. Treadwell submitted the following resolution :

*Resolved by the Senate and House of Representatives, in General Court convened*, That the sum of twenty thousand dollars be and the same is hereby appropriated in addition to the sum already appropriated for the erection of an Insane Hospital, that the Trustees to be appointed by the Governor be directed to commence immediately the erection of the necessary buildings, and that the House now proceed by ballot on their part to name the town in which said buildings shall be located, and the Governor is hereby authorized to draw his warrant upon the Treasury for the above amount from time to time as he may judge necessary,

Which was read a first time.

Mr. Ela moved that the resolution be indefinitely postponed.

On this question,

Mr. Treadwell called for the ayes and noes.

Those who voted in the affirmative are—Messrs.

Knight	Hall
Robinson of Brentwood	Haley
Richardson	Whitton
Cotton	Thompson of Wolfeborough
St. Clair	Messer
Jenness of Deerfield	Smith of Bradford
Dinsmoor	Morrill of Canterbury
Hatch of Exeter	Leavitt of Chichester
Lane	Carter
Currier of Newtown	Burley of Franklin
George of Plaistow	Woods
Robinson of Poplin	Patterson
Poor of Raymond	Garland
Thompson of Salem	Stevens of Newbury
Brown of South Hampton	Trussell
Charles	Cate
Hill of Alton	Pattee
McDuffie	Watkins
Jenkins	Currier of Wilmot
McDaniel	Bailey
Burleigh of Brookfield	Goodale
Libbey	Poor of Goffstown
Wedgewood	Stevens of Goffstown
Dame	Whittemore of Greenfield
Towle of Freedom	Patten
Sanborn of Gilsford	Marsh
Edgerly	Stark
Leavitt of Gilmanton	Morrison
Durrell	Hill of Mason
Wilson of Lee	Odell
Davis	Moore of Milford
Ela of Meredith	McMillen
Frost	Gibson
Locke of New Durham	McCoy
Norris of New Hampton	Burt
Durgin	Woodbury
Curry	Whittaker
Perkins of Strafford	Whittemore of Wilton
Weeks of Strafford	Parker of Fitzwilliam
Wentworth	Smith of Gilsum
Randall	Batchelder of Marlborough

Weeks of Richmond	Cheney
Whitcomb	Fellows
Baker of Troy	Feirin
Hoskins	Dickerson
Silsby	Cox
Stevens of Claremont	Noyes
Breck	Parker of Lisbon
Bean	Learned
Hatch of Newport	Peabody
Chase	Pitman
Locke of Alexandria	Dustin
Wilcomb	Smith of Carroll
Hoit of Bridgewater	Tuttle
Weeks of Canaan	Perkins of Jackson
Page of Coventry	Smith of Milan
Blodgett	

Those who voted in the negative are—Messrs.

Betton	Burnham
Freese	Howard of Rochester
Gilman	Taylor
Berry of Greenland	Griffin
Dodge	Morrill of Somersworth
Blake	Scribner
Thayer	Morrill of Boscawen
White	Little of Boscawen
Vennard	Shute
Furber	Hoit of Concord
Hilton	Perley
Crawford	Gould
Jenness of Portsmouth	Ayer
Lord	Barnard
Treadwell	George of Salisbury
Moses	Wallace
Kelsey	French of Bedford
Langdon	Bixby
Jenness of Rye	Baker of Hillsborough
Brown of Seabrook	Monroe
Fifield	Farley
Simpson	Cross
Sawyer of Dover	Boardman
Townsend	Bruce

Sawyer of Nashua	Bryant
Spaulding	Howard of Springfield
Beard	Judkins
Baldwin	Carbee
Smith of New Ipswich	Brown of Bristol
Moore of Peterborough	Rand
Wheeler	Adams
Kingsbury	Knapp
Coolidge	Blaisdell
Piper	Smith of Haverhill
Dickinson	Swasey
Patrick	Allen
Wilson of Keene	Lathrop
Converse	Parker of Littleton
Humphrey	Ely of Littleton
Meacham	Perrin
Bingham	Webster
Putnam	Quincy
Willey	Wells
Walker of Langdon	French of Stratford
Forsaith	

Ayes 113. Noes 89.

So the resolution was indefinitely postponed.

Mr. Ela submitted the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened, That the sum of thirty-six dollars be allowed J. B. Wiggin for engrossing all the public acts and resolutions at this session, and in full of his account, and that sum be paid out of the Treasury,*

Which was read three several times.

*Resolved, That it pass.*

*Ordered, That the Clerk request the concurrence of the Senate therein.*

On motion of Mr. Baker—

*Resolved, That the House take a recess until half past seven o'clock this evening.*

## HALF PAST SEVEN O'CLOCK.

Mr. Wells submitted the following resolution :

*Resolved, by the Senate and House of Representatives in General Court convened,* That the State Treasurer is hereby authorized to pay Philip Carrigain, Esquire, the usual price for maps furnished by him for the respective academies entitled to them, agreeably to a resolve passed July 6, 1839,

Which was read a first and second time.

Mr. Wells moved that the rules of the House be so far suspended, that the resolution be read a third time at the present time.

And on the question being put—

It was decided in the affirmative.

The resolution was then read a third time.

*Resolved,* That it pass.

*Ordered,* That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk :

“ Mr. Speaker,—The Senate concur with the House of Representatives in the passage of bills with the following titles, to wit:

“ An act in amendment of an act entitled an act for the limitation of actions and preventing vexatious suits.”

“ An act to alter the names of certain persons.”

“ An act suspending for a limited time the operation of an act prohibiting the emission and circulation of bank bills of a small denomination, passed January 3, 1837.”

“ An act to incorporate Engine Company No. 4 in Concord.”

“ An act in favor of the Portsmouth Artillery Company in the first regiment of New Hampshire militia.”

“ An act relating to Rail Roads and other corporations.”

“ An act in favor of the Strafford Guards.”

“ An act to repeal an act incorporating the proprietors of the Coventry Turnpike Road.”

“ An act in favor of the Nashua Artillery Company.”

“ An act to annex a certain tract of land in the town of Landaff to School District No. 2 in the town of Lincoln.”

“ An act to extend the time for the completion of the Sewalls Falls Locks and Canal.”

A resolution relating to the distribution of blanks, packages, laws and journals sent out from the office of the Secretary of State.

A resolution appointing William Fiske to take charge of the State House and State House Yard the present year.

A resolution in favor of John C. Gerrish, with an amendment, in which they ask the concurrence of the House."

The House proceeded to the consideration of the amendment proposed by the Honorable Senate to the last of the foregoing resolutions :

On motion of Mr. Quincy—

*Resolved*, That the House concur in the said amendment.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Dodge submitted the following resolution—

*Resolved by the Senate and House of Representatives in General Court convened*, That the Rev. N. Bouton be allowed the sum of four dollars ; the Rev. M. G. Thomas be allowed the sum of four dollars ; the Rev. E. E. Cummings be allowed the sum of four dollars ; the Rev. P. S. Ten Broeck be allowed the sum of four dollars ; the Rev. W. H. Hatch be allowed the sum of four dollars, in full for their services as chaplains of the Legislature during the present session, to be paid out of any money in the Treasury not otherwise appropriated.

Which was read a first time—

On the question,

Shall the resolution be read a second time?

The ayes and noes were called for—

Those who voted in the affirmative are—Messrs.

Robinson of Brentwood	Dodge
St. Clair	Blake
Betton	Thayer
Sanborn of East Kington	White
Freese	Hilton
Hatch of Exeter	Stickney
Gilman	Crawford
Berry of Greenland	George of Plaistow
Lane	Robinson of Poplin
Towle of Hampton	Jenness of Portsmouth

Treadwell	Woods
Kelsey	Ayer
Langdon	Patterson
Poor of Raymond	Barnard
Thompson of Salem	Garland
Brown of Seabrook	Stevens of Newbury
Charles	Trussell
Hill of Alton	Cate
McDuffie	George of Salisbury
Jenkins	Page of Sutton
McDaniel	Currier of Wilmot
Burleigh of Brookfield	Wallace
Libbey	French of Bedford
Burnham	Goodale
Weldgewood	Bixby
Towle of Freedom	Poor of Goffstown
Edgerly	Stevens of Goffstown
Leavitt of Gilmanton	Baker of Hillsborough
Durrell	Monroe
Davis	Farley
Shannon	Boardman
Norris of New Hampton	Morrison
Howard of Rochester	Hill of Mason
Taylor	Moore of Milford
Durgin	Bruce
Curry	Sawyer of Nashua
Perkins of Strafford	Spaulding
Weeks of Strafford	Beard
Wentworth	Baldwin
Griffin	Smith of New Ipswich
Hall	Ames
Haley	Moore of Peterborough
Thompson of Wolfeborough	McCoy
Scribner	Wheeler
Morrill of Boscawen	Woodbury
Smith of Bradford	Whittaker
Morrill of Canterbury	Kingsbury
Leavitt of Chichester	Coolidge
Shute	Piper
Hoit of Concord	Parker of Fitzwilliam
Gould	Smith of Gilsum

Dickinson	Wilcomb
Patrick	Weeks of Canaan
Chamberlain	Page of Coventry
Palmer	Adams
Batchelder of Marlborough	Knapp
Atwood	Blaisdell
Weeks of Richmont	Fellows
Converse	Smith of Haverhill
Buckminster	Swasey
Copeland	Ferrin
Mason	Cox
Hayward	Allen
Whitcomb	Parker of Littleton
Baker of Troy	Ely of Littleton
Hoskins	Perrin
Humphrey	Learned
Silsby	Webster
Meacham	Quincy
Stevens of Claremont	Little of Warren
Bingham	Peabody
Breck	Pitman
Willey	Whittemore of Colebrook
Bean	Dustin
Walker of Langdon	Smith of Carroll
Forsaith	Ballou
Bryant	Wells
Chase	Young of Errol
Locke of Alexandria	French of Stratford

Those who voted in the negative are—Messrs.

Knight	Dame
Richardson	Sanborn of Gilford
Furber	Wilson of Lee
Lord	Frost
Jenness of Rye	Locke of New Durham
Brown of South Hampton	Randall
Simpson	Morrill of Somersworth
Sawyer of Dover	Perley
Townsend	Bailey
Harmon	Patten

Cross	Judkins
Marsh	Hoit of Bridgewater
Stark	Brown of Bristol
Odell	Blodgett
McMillen	Dickerson
Gibson	Noyes
Burt	McGrath
Whittemore of Wilton	Whidden
Putnam	

Ayes 158. Noes 37.

So the motion, that the resolution be read a second time, prevailed.

The resolution was then read a second time.

On the question,

Shall the resolution be read a third time?

Mr. Dodge moved that the rules of the House be so far suspended, that the resolution be read a third time at the present time.

And the question being put—

It was decided in the affirmative.

The resolution was then read a third time.

*Resolved*, That it pass.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

A message from the Senate by their Clerk:

“Mr. Speaker,—The Senate concur with the House of Representatives in their amendment to the bill entitled “An act to provide for the choice of Road Commissioners.”

The Senate also concur with the House in the passage of the following resolutions :

A resolution authorizing the Librarian to procure the binding of certain books and pamphlets in the State Library.

A resolution appointing Jacob C. Carter, Librarian, for the ensuing year.

The Senate have postponed to the next session of the Legislature the resolution relating to school returns.

Also the bill to abolish the right to vote by proxy.

They concur with the House in the passage of the following resolutions :

A resolution in favor of J. B. Wiggin.

"A resolution in favor of Philip Carrigain."

"A resolution authorizing His Excellency the Governor with the advice of Council, to appoint three suitable persons to revise, codify and amend the Statute Laws of this State."

"A resolution in favor of John T. Blake."

Mr. McDaniel submitted the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened,* That no member of a corporation shall be allowed to vote by proxy at any meeting or meetings of said corporation.

Which was read a first time.

Mr. Parker of Fitzwilliam inquired of the Chair if the said resolution was in order, the same subject having been acted upon the present session.

The resolution was then withdrawn by the mover.

Mr. Swasey submitted the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened,* That from and after the passage of this resolution, it shall not be lawful for the members of any Mutual Fire Insurance Company in this State to vote by proxy at any meeting of the corporation for the transaction of business.

Which was read a first and second time.

Mr. Swasey moved to amend the resolution by adding thereto the following words, "any law, usage or custom to the contrary notwithstanding."

And on the question,

Shall the amendment be adopted?

It was decided in the affirmative.

On motion of Mr. Swasey—

*Ordered,* That the resolution lie on the table.

A message from the Senate by their Clerk:

"Mr. Speaker,—The Senate concur with the House of Representatives in the passage of a resolution, fixing the time to which the Legislature will adjourn."

Mr. Parker of Fitzwilliam submitted the following resolution :

*Resolved by the Senate and House of Representatives in General Court convened,* That the Secretary of State be directed to procure a Chandelier for the use of the Representatives Hall, and the sum of two hundred dollars is hereby appropriated for that

purpose out of any money in the Treasury not otherwise appropriated.

Which was read a first time.

On the question,

Shall said resolution be read a second time?

It was decided in the negative.

A message from the Senate by their Clerk :

“Mr. Speaker—The Senate concur with the House of Representatives in the passage of a resolution in favor of Rev. N. Bouton and others.”

Mr. Swasey moved that the rules of the House be so far suspend as to entitle him to introduce a bill at the present time.

And on the question being put,

It was decided in the affirmative.

Mr. Swasey introduced a bill entitled an act to abrogate the right to vote by proxy in certain cases.

Which was read a first and second time;

On the question,

Shall the bill be read a third time ?

It was decided in the affirmative.

Mr. Baker moved that the rules of the House be so far suspended as to entitle him to introduce a bill at the present time.

And on the question being put,

It was decided in the affirmative.

The bill was then read a third time.

*Resolved*, That it pass and that its title be as aforesaid.

*Ordered*, That the Clerk request the concurrence of the Senate therein.

Mr. Smith of Lempster, from the joint committee on Engrossed Bills, reported that they have carefully examined and find correctly engrossed, bills and resolutions with the following titles, to-wit :

“An act providing for the return of inventories.”

“An act to incorporate certain persons by the name of the Hopkinton Village Aqueduct Association.”

“An act in favor of Charles H. Peaslee, Adjutant and Inspector General.”

“An act to establish times and places for holding Courts of Probate in the county of Coos.”

"An act in addition to an act entitled an act to incorporate the New Hampshire Asylum for the Insane,"

"A resolution directing the payment of money into the Treasury by Robert Davis, late Quarter Master General."

"A resolution in favor of Jeremiah Gates and others."

"A resolution authorizing the Treasurer to borrow money."

"A resolution in favor of David H. Collins and others."

"An address for the removal of certain officers."

Which were severally signed by the Speaker.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. St. Clair moved to reconsider the vote, denying a second reading to the resolution providing for the purchase of a Chandelier for the use of the Representative's Hall.

And on the question,

Will the House reconsider said vote?

It was decided in the negative.

On motion of Mr. Chamberlain—

The House adjourned.

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## SATURDAY, JUNE 20, 1840.

On motion of Mr. Weeks of Canaan—

*Resolved*, That the rules of the House be so far suspended, as to dispense with the reading of the Journal of yesterday.

On motion of Mr. Hoit of Bridgewater—

*Resolved*, That a committee of ten be appointed with such as the Senate may join to wait on His Excellency the Governor and inform him that the Legislature having finished the business of the session, are now ready to be adjourned to meet again at the Capitol in Concord on Wednesday the 18th day of November next.

Whereupon—

Messrs. Hoitt of Bridgewater, Moore of Milford, Blodgett of Dorchester, Spaulding of Nashua, George of Plaistow, Ames of Peterborough, Wedgwood of Effingham, Bixby of Francestown, Ferrin of Hebron and Batchelder of Marlborough were appointed the committee on the part of the House.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by their Clerk :

"Mr. Speaker—The Senate concur with the House of Representatives in the appointment of a joint select committee to wait on His Excellency the Governor, and inform him that the business of the present session being finished, both branches of the Legislature are ready to be adjourned to Wednesday the 18th day of November next, and have on their part joined Messrs. Gregg and Goodhue.

The Senate have rejected the bill entitled an act to abrogate the right to vote by proxy in certain cases."

Mr. Ela, from the joint committee on Engrossed Bills, reported that they have carefully examined and find correctly engrossed bills and resolutions with the following titles, to wit:

"An act relating to Railroads and other corporations."

"An act to alter the names of certain persons."

"An act in amendment of an act entitled an act in addition to an act entitled an act for laying out highways, passed July 3, 1839."

"An act in favor of the Portsmouth Artillery Company in the first regiment of New Hampshire Militia."

"An act to incorporate the Nashua Literary Institution."

"An act to annex a certain tract of land in the town of Landaff to school district numbered two in the town of Lincoln."

"An act to extend the time for the completion of the Sewall's Falls Locks and Canal."

"An act in favor of the Strafford Guards."

"An act suspending for a limited time the operation of an act entitled an act prohibiting the emission and circulation of Bank bills of a small denomination, passed January 13, 1837."

"An act to repeal an act entitled an act to incorporate the proprietors of the Coventry Turnpike Road in New Hampshire."

"An act in favor of the Nashua Artillery Company."

"An act to incorporate Engine Company No. 4, in Concord."

"An act to provide for the choice of Road Commissioners."

"An act in amendment of an act entitled an act for the limitation of actions and preventing vexatious suits."

"A resolution requiring the Librarian of the State Library to procure the binding of such books and pamphlets now in said Library as may be worthy of preservation."

"A resolution appointing Jacob C. Carter Librarian."

"A resolution in favor of Philip Carrigain."

"A resolution in favor of John C. Gerrish."

“A resolution appointing William Fiske to take charge of the State House and State House Yard.”

“A resolution directing the Secretary of State to forward blanks, &c. to the several towns.”

“A resolution in favor of the Rev. N. Bouton and others.”

“A resolution in favor of J. B. Wiggin.”

“A resolution in favor of John T. Blake.”

“A resolution directing the Governor to appoint three suitable persons to revise the statute Laws of this State.”

“A resolution fixing Wednesday the eighteenth day of November next as the day to which the Legislature shall adjourn at the close of the present session.”

Which were severally signed by the Speaker.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Hoitt of Bridgewater, from the joint select committee appointed to wait on His Excellency the Governor and inform him that the Legislature having finished the business of the present session, are now ready to be adjourned to Wednesday the 18th day of November next, reported that they have attended to the duty assigned them.

Mr. Smith of Lempster, from the committee on Engrossed Bills, reported that they have presented to His Excellency the Governor for his approval all the engrossed bills, resolutions and addresses which have passed both branches of the Legislature the present session.

A message from His Excellency the Governor, by the Secretary of State.

“Mr. Speaker—I am directed by His Excellency the Governor to inform the House of Representatives that he has approved all bills, resolutions and addresses which have been presented for his consideration the present session, and that agreeably to the resolution of the Legislature he now adjourns the Legislature to Wednesday the eighteenth day of November next.”

The Speaker then declared the House adjourned accordingly.

Attest—

H. HIBBARD, Clerk.

## APPENDIX.

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### REPORT

#### OF THE COMMITTEE ON BANKS.

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The committee on Banks, to whom was referred the message of His Excellency with the returns of the several banking institutions in this State, have instructed me to report the following abstract thereof. By an act approved July 5th, 1837, the several banks are required to make their returns within six days following the first Monday of June. No return has been received from the Concord Bank. The return from the Connecticut River Bank was received the eighth day of June, being one day after the expiration of the time required by law, and the return from the Lancaster Bank was not received until the tenth day of June, being three days after the expiration of the legal period allowed for that purpose. Your committee are not aware, however, that the public have suffered any injury thereby.

JAMES H. KELSEY, for the Committee.

*Abstract of returns of the Banks in the State of New Hampshire.*

Names of Banks.	Capital stock paid in.	Amount of debts of Stockholders and Directors secured by pledge of stock.	Value of real estate	Amount of all debts due the Bank.	
				150 00	2,998 24
Ashuelot Bank,	100,000 00	150 00	2,998 24	132,993 16	
Bank of Lebanon,	100,000 00	7,087 00	1,325 00	120,360 14	
Claremont Bank,	60,000 00		2,222 51	105,876 57	
Commercial Bank,	150,00 00	47,228 33		224,177 91	
Cheshire Bank,	100,000 00	13,425 00	2,054 00	126,197 54	
Concord Bank,					
Connecticut River Bank,	60,000 00		2,799 65	118,633 53	
Derry Bank,	100,000 00	6,603 87	2,000 00	129,505 78	
Dover Bank,	100,008 00	7,206 51	4,200 00	136,094 26	
Exeter Bank,	100,000 00	5,650 00	1,000 00	135,652 63	
Farmers Bank,	65,000 00		2,350 00	103,284 59	
Grafton Bank,	100,000 00	4,152 04	5,033 34	173,227 93	
Granite Bank,	100,000 00	3,517 75	3,867 73	126,399 33	
Lancaster Bank,	50,000 00	2,278 00	g500 00	75,751 95	
Manufacturers Bank,	100,000 00	19,447 50	3,416 56	138,987 21	
Mechanicks Bank,	100,000 00	13,287 00	1,770 00	166,877 15	
Merrimack County Bank,	100,000 00	3,300 00	4,671 65	126,279 61	
Nashua Bank,	100,000 00	2,300 00		159,890 73	
New Hampshire Bank,	145,500 00	6,655 00	8,191 18	173,617 58	
New Hampshire Union Bank,	150,000 00	22,748 00	5,425 00	186,263 92	
Piscataqua Bank,	300,000 00	4,700 00		552,128 12	
Portsmouth Bank,	100,000 00	5,159 50	5,616 93	118,026 94	
Pemigewasset Bank,	50,000 00	2,073 78	3,102 19	87,404 66	
Rochester Bank,	100,000 00	4,602 83	1,348 94	124,182 50	
Rockingham Bank,	100,000 00	10,152 00	1,000 00	123,022 97	
Strafford Bank,	100,000 00	5,400 00	4,500 00	154,953 69	
Winnipiseogee Bank,	107,000 00	8,001 00	4,125 22	138,183 54	
Wolfeborough Bank,	100,000 00	843 15	3,375 00	141,938 86	
	2837,505 00	205,960 26	76,893 14	4099,612 80	

g Including personal property.

shire, showing their condition the first Monday of June, 1840.

Amount of debts due from directors not entered in 2d column.	Amount of specie in vault.	Amount of bills of other banks on hand.	Amount of deposits in the bank.	Amount of deposits in other banks for the redemption of bills.	Amount of bills in circulation.
*18,894 97	5,574 14	2,131 00	5,961 71	3,594 58	37,780
*18,616 82	8,102 59	3,244 00	3,390 91	14,706 24	35,652
18,483 25	2,223 40	23 00	2,573 66	5,101 20	38,859
3,600 00	15,551 13	3,567 65	52,937 99	64,110 66	58,924
6,600 00	2,571 49	2,378 00	9,982 03	20,169 00	39,245
32,920 67	a6,837 96	1,387 00	33,079 29	10,000 00	43,112
5,012 72	3,722 49	450 00	15,519 23	7,828 65	25,106
5,272 60	4,006 45	981 00	8,404 46	6,045 05	36,750
	2,906 66	42 00	7,238 10	20,060 55	41,406
	5,610 45	3,124 00	13,292 61	12,990 47	46,680
13,945 32	6,918 98	4,232 50	15,416 86	1,931 14	58,933 50
13,823 36	4,514 48	5,675 76	4,658 74	13,089 75	44,997
*19,680 84	1,105 68	1,534 00	13,306 53	4,213 13	16,876
7,072 25	6,181 81	2,108 00	15,263 89	19,996 79	33,921
20,461 98	23,065 35	3,105 00	50,837 39	6,163 91	42,648
1,892 17	12,264 42	5,795 28	13,559 35	20,303 95	38,826
6,062 55	5,519 29	5,748 00	12,490 36	9,658 91	61,188
39,318 92	11,156 58	3,638 00	13,151 48	6,526 67	b50,520
25,680 00	10,131 89	1,567 00	9,496 67	6,254 08	31,747
72,200 45	10,506 25	c2,355 17	d30,279 81	17,584 46	62,983
11,437 88	12,334 59	2,235 73	21,134 37	12,753 63	22,535
18,446 59	2,874 14	569 00	e11,471 06		30,675
	6,025 16	895 00	1,342 21	24,167 10	52,711
10,920 14	7,206 25	5,036 97	30,759 09	10,694 35	13,455
11,258 45	8,793 82	1,246 00	21,572 46	10,039 59	45,364
f 4,407 24	7,643 49	1,781 00	3,690 16	9,636 45	47,151
114 36	10 14	44 00	57		30,706
386,123 53	193,359 04	64,594 20	420,890 99	337,620 31	1088,750 50

\*Returns do not show whether included in second column or not.

a Including \$2,000 deposited in Boston.

b Including \$30,449 old emmission.

c Including checks on other banks.

d Exclusive of other liabilities amounting to \$145,738 60, payable to July, 1842.

e Including \$4,068 77 due Suffolk Bank.

f Exclusive of \$7,046 19, on which directors with others are liable.

# REPORT OF THE BANK COMMISSIONERS, IN RELATION TO THE CONCORD BANK.

*To the Hon. Senate,  
and the House of Representatives,*

On the 18th day of May last, I directed the Hon. James Clark and Jotham Lawrence, Esq., two of the Bank Commissioners of this State, to proceed forthwith and make full investigation of the affairs of the Concord Bank, and if they deemed the same unsafe, or hazardous to the public interest, to adopt such measures in relation thereto, as is by law required.

I herewith inclose their joint report and accompanying papers.

JOHN PAGE.

Executive Department, June 6, 1840.

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*To His Excellency John Page Governor of the State of New Hampshire.*

In obedience to the directions of your Excellency, requiring the undersigned Bank Commissioners of said State to proceed forthwith to make an examination into the affairs of the Concord Bank in said State, and report the condition of the same, especially as it regards their available funds, and all their liabilities and the actual condition of said Bank, and if upon an investigation of the affairs of said Bank, you deem the same unsafe or hazardous to the public interest, you will proceed to adopt such legal measures as are required in the premises by the laws of this State. The undersigned Bank Commissioners submit the following report, that the same may by your Excellency be transmitted to the Legislature of this State.

On the 25th day of May, A. D. 1840, we met at the Banking House of said Concord Bank, and proceeded to an examination of

the books and the available funds and liabilities of said Bank, the officers of said Bank affording us every facility to aid in the investigation.

On an examination of the records of the stockholders, and a copy of their acts of incorporation it appears, that the act to incorporate sundry persons by the name of the President, Directors and Company of the Concord Bank, with a capital to consist of a sum not less than fifty nor more than two hundred thousand dollars, was passed and approved on the 18th day of June, A. D. 1806, for the term of twenty years, that the stockholders organized on the 1st day of October of the same year, and divided their capital stock into one thousand shares; and on the 30th day of the same month chose the first board of Directors, and voted an assessment of fifty dollars on each share, and on the 5th day of September, A. D. 1808, a further assessment of ten dollars on each share, making a capital of sixty thousand dollars.

By this charter the stockholders in their private capacities were jointly and severally liable to the holder of any bill or bills issued by said corporation for the payment thereof.

On the 22d day of December, A. D. 1824, this charter was extended for the term of twenty years from and after the first day of July, A. D. 1826, and by this extension the capital stock was increased to the sum of not less than one hundred thousand nor more than two hundred thousand dollars, and the section in the original charter making the stockholders liable in their private capacities was repealed. The act granting an extension of their charter was accepted on the 5th day of September, A. D. 1825. On the third day of July, 1826, an assessment of twenty dollars on each share was made to increase their capital stock, and on the 7th day of September, 1827, a further assessment of twenty dollars for the same purpose, thereby increasing the capital stock to one hundred thousand dollars, which appears to have been all paid in.

At a meeting of the stockholders duly notified and held on the 4th day of August, A. D. 1837, the Corporation voted to accept the act relating to Banks and Banking.

There does not appear on their records, that there has been any investigation or examination of the standing and condition of said Bank or the funds and liabilities thereof from the 2d day of March, A. D. 1812, to the present time.

The Commissioners have also examined the Directors discount book, being a record of the proceedings of the board of Directors and discounts made, and other doings of said board, and no set-

lement with the Cashier appears on that or any other book exhibited to us, to have been made with him.

They also have evidence, that a verbal order was made by the Directors and communicated to the Cashier in the early part of the year 1839, to make out a full and complete statement of all the notes and other securities due to the Bank.

This statement was made out under the date of May 21st, 1839, and laid before the Directors at the next regular meeting, and contains the only list of debts due the Bank laid before the Directors of this corporation.

It appears from the testimony of the Directors, under oath, that this statement gave them the first information of the existence of large debts due the Bank to the amount of more than one hundred and thirty-one thousand dollars, and mostly from four liabilities. One of the Directors stated that he knew the Cashier kept a Ledger account with him in which he was charged with money received from the Bank from time to time, for which he gave no note at the time, but did not know of the above liabilities of others until the exhibition of the above statement.

The other Directors stated that this list of claims due the Bank gave them the first information of these large liabilities, or that the Cashier paid out money without taking the proper security.

As soon as these transactions came to the knowledge of the Directors they took measures to secure as far as possible these debts by mortgages and otherwise, and ordered collections on other notes to be paid, and made an order to that effect, and it was entered on their books.

It appears further on the Directors' book of May 8th, 1840, that certain enumerated securities to the amount of \$50,374 09, were placed in the hands of General Joseph Low to indemnify him, Joshua Darling and Samuel Fletcher against a bond signed by them to the Suffolk Bank, Boston, for the redemption of Concord Bank bills to the amount of \$30,000, and for the payment of a debt due to the Mechanicks Bank in Concord. And it further appears that Joshua Darling was authorized by the board of Directors to endorse over said notes and securities to said Joseph Low. It was voted further that no stockholder should be permitted to take out any money at present on his own note.

The records of the Directors further shew, that at a special meeting holden at Hopkinton, May 12th, 1840, certain other securities to the amount of \$52,752 62, all bearing interest, were assigned and delivered over to said Joseph Low, agent of said

stockholders, to indemnify them for signing a bond to the Suffolk Bank for redeeming and receiving \$50,000 of the bills of the Concord Bank.

At a special meeting of the Directors on the 14th day of May, 1840, a preamble and resolution stating that a meeting of certain stockholders had been held and an examination into the securities had been made, and an attempt to obtain payment, which induced them to suppose that many of the securities which had been supposed available were doubtful, General Joseph Low was authorized to go to Boston, and make such arrangements as he, with Mr. Darling may deem proper.

This negotiation with the Suffolk Bank resulted in their refusing further to receive the bills of Concord Bank from and after the 16th day of May last. And on the 18th day of said May, the Concord Bank refused to redeem their own bills in specie at their own counter.

At a meeting of the Directors, May 18th, 1840, voted to cancel the assignment of notes made on the 8th and 12th day of May, 1840, to General Joseph Low, and a schedule of notes, &c., amounting to the sum of \$81,054 50, were assigned and delivered to Joseph Low, to indemnify certain stockholders who signed a bond to Suffolk Bank, May 12th, 1840, and as security for a bond to Mechanicks Bank, on the 23d day of May 1840; and also voted that the bills of this Bank now on hand be burned, and that no new bills be issued until ordered by the stockholders.

It was also voted not to pay out any foreign bills on deposits. Copies of all the preceding votes of the Directors, together with the first charter and by-laws, and its extension, accompany this report.

It further appears by the testimony of the Cashier that there is generally an amount from four to six thousand dollars in what is termed exchange notes, they being given for Concord Bank bills put into the hands of agents without interest, to be exchanged or put into circulation for bills of other banks.

It further appears that there is due to the Bank \$8,503 50, discounted on the pledge of stock.

The amount of bills of the Concord Bank signed for circulation, after deducting the amount destroyed by order of the Directors, and also the sum of \$10,623 75 which have been estimated as lost or destroyed, as appears by the books of the Bank, amount

to \$130,023, on the 21st day of May, 1840,	\$130,023
Amount of the Concord bills in the Bank, May	
23d, 1840.	21,700
	_____
	\$108,323
Amount bro't over,	\$108,323
Amount received up to May 26, 1840,	\$14,300
"    "    "    "    29,    "	3,718
"    "    "    "    June 2,    "	2,182
	_____ 20,200
	_____
	88,123
Amount of bills reported in Suffolk Bank, May	
16th, 1840,	29,100
	_____
	\$59,023

*Liabilities of the Bank.*

Capital stock,	100,000
Bills in circulation, bills in Suffolk not included,	59,023
Due other Banks with interest,	34,614 07
" for deposits on interest,	32,967 33
" unpaid dividends after deducting charge on	
Ledger for interest,	882 15
Sundry other liabilities, estimated	385 04
	_____
Total amount of liabilities,	\$227,871 59

*Resources.*

Notes, drafts, judgments and other securities, including good, bad and doubtful, with inter- est to June 2d, 1840,	\$195,901 25
Current bills of other Banks,	1,928
Uncurrent bills, estimated at the present discount,	687
Specie, June 2d, 1840,	683 61
Real estate,	1,000
	_____
Leaving a deficit of	\$200,199 86
	27,671 73
	_____
	\$227,871 59
JAMES CLARK, JO'THAM LAWRENCE.	

At a special Bank meeting of the Directors of the Concord Bank, Friday, May 8, 1840.

Whereas, Joshua Darling, Samuel Fletcher and Joseph Low, made a bond or obligation in behalf of the President, Directors and Company of said Concord Bank, to the President, Directors and Company of the Suffolk Bank, Boston, to indemnify them for about twenty thousand dollars of our said Concord, N. H. bills, which they have redeemed out of the Boston market for and in our behalf, and further to indemnify the said Suffolk Bank for the further amount of ten thousand dollars, and not exceeding thirty thousand dollars in the aggregate. And whereas the President, Directors and Company of the Mechanicks Bank, in Concord, loaned to our said Concord Bank the sum of ten thousand dollars, in

Now therefore voted to place in the hands of General Joseph Low aforesaid, the following securities and notes, as collateral security for to indemnify him, the said Joseph Low, for signing said bond to Suffolk Bank, and as security also to Joshua Darling and Samuel Fletcher, for and in behalf of their security for signing said bond with said Joseph Low to the Suffolk Bank aforesaid.

[Then follows a list of securities amounting to the sum of \$50,374 09.]

And also to be holden by said Low as security for a loan of ten thousand dollars which the President, Directors and Company of the Mechanicks Bank lately made to the Concord Bank.

*Voted*, That Joshua Darling endorse over said notes and securities to the said Joseph Low in behalf of the board of Directors.

JOSHUA DARLING,  
STEPHEN AMBROSE, } Directors.  
SAMUEL FLETCHER. }

Concord Bank, May 8, 1840.

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Concord Bank, May 8, 1840.

*Voted*, That no stockholder shall be permitted to take out any money at present on his own note—and all stockholders who have money out on their own private notes, be requested to pay in such notes as soon as may be.

At a special meeting of the Directors of Concord Bank, holden at Contoocookville, in Hopkinton, New Hampshire, May 12, 1840.

Whereas, sundry stockholders in Concord Bank this 12th day of May, 1840, signed a bond to the President, Directors and Company of the Suffolk Bank, Massachusetts, to indennify them for redeeming and receiving fifty thousand dollars of the bills of said Concord Bank out of the market in Boston.

Now therefore,

*Voted*, That the following securities to wit :

[Then follows a schedule of securities amounting to the sum of \$52,752 62.]

All said notes are on interest.

And also so many of the notes endorsed and transferred to Joseph Low, Esquire, by order of the Board, on the 8th day of May instant, as shall with the foregoing securities fully indemnify the signers of a bond of this date, amounting to sixty thousand dollars at least, be and hereby are made and assigned over and delivered to General Joseph Low, agent of said stockholders, as collateral security, to indemnify them for signing said bond to Suffolk Bank aforesaid. And the said Joseph Low is hereby authorized and empowered to receive and hold said securities for the purposes aforesaid.

JOSHUA DARLING,  
JOHN COGSWELL,  
SAMUEL FLETCHER. } Directors.

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At a special meeting of the stockholders of Concord Bank, holden at Fuller's Tavern, in Hopkinton, May 12th, 1840.

Chose the Hon. Matthew Harvey, Chairman and Philip Brown Clerk.

*Voted*, To appoint a committee of five, to be nominated by the Chair, who shall report to the stockholders what measures are best to be taken under the present embarrassed circumstances of the Bank.

Chose Parker Noyes, Joseph Low, Worcester Webster, John Greenough and Philip Brown said committee, and they reported as follows, to wit. They recommend that a committee of three be now appointed to make full and thorough investigation of all

the securities and affairs of the Bank, and make a report to the stockholders at a future meeting.

That an agent be now appointed to take possession of all property mortgaged or pledged to the Bank, and to secure and collect debts as fast as possible, and to appoint an assistant or assistants if needed.

That an assessment of ten per cent be recommended.

That all stockholders be requested to sign a bond to the Suffolk Bank, in the sum of \$50,000, as an indemnity to said Bank for redeeming a like sum of the bills of the Concord Bank.

That a regular and legal meeting of the stockholders of Concord Bank, be called as early as may be at Concord.

Amendment to the last article but one.

That the Directors be authorized and directed to assign and transfer to the signers of the bond, securities of the Bank to the amount of \$60,000, as an indemnity for signing the aforesaid bond—all of which was adopted by a unanimous vote—and appointed for their committee of investigation Gen. Joseph Low, Hon. Matthew Harvey and Hon. Parker Noyes, and for their agent, Gen. Joseph Low.

*Voted*, That Joseph Low and Samuel Fletcher be agents to the signers of the bond to Suffolk Bank, to receive from the Directors of Concord Bank, the securities above named, as a pledge for their security as above voted.

PHILIP BROWN, Clerk.

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May 14. 1840.

At a special meeting of the Directors of the Concord Bank.

Present, Stephen Ambrose, John Cogswell and Samuel Fletcher.

Chose Samuel Fletcher, Chairman.

Whereas at a meeting of sundry stockholders of said Bank, at Hopkinton, on the 12th instant, a bond was executed to the Suffolk Bank, to indemnify said Suffolk Bank for redeeming the bills of the Concord Bank, to the amount of fifty thousand dollars, and Gen. Joseph Low was appointed agent of said Concord Bank, to receive the securities for debts due to said Concord Bank, and to collect and take further security for the same.

And whereas, since that time an examination of the means, and an attempt to obtain payment or security of some of the principal debtors of the Bank have resulted in disclosures which induce the said agent and the Directors present to believe that some of the securities of the Bank, hitherto supposed to be safe and available are doubtful, and that the funds of the Bank may not be sufficient to indemnify the signers of said bond and to meet the other liabilities of the Bank.

And whereas, the Hon. Joshua Darling, the President of this Board, is now absent in Boston, therefore,

*Voted*, That Gen. Joseph Low be requested to proceed immediately to Boston, and if after consultation with said Darling, said Low and Darling shall deem it expedient to apprise the said Suffolk Bank of the doings of this meeting, to request said Suffolk Bank to redeem or receive no more of the bills of the Concord Bank, and to make all proper and necessary arrangements for the payment of the claims of said Suffolk Bank. *Provided*, That in case the said Low shall not find said Darling, and shall find that the balance against said Concord Bank, at said Suffolk Bank, shall have accumulated to from twenty-seven to thirty thousand dollars, or more, than the said Low, if in consultation with the officers of said Suffolk Bank, he shall deem it expedient, is authorized to apprise the said Suffolk Bank as aforesaid, and make the arrangements aforesaid.

SAMUEL FLETCHER,  
STEPHEN AMBROSE, } Directors.  
JOHN COGSWELL.

May 16, 1840.

*Voted*, That it would be inexpedient for Gen. Low to pass to our credit, at Suffolk Bank, the \$3,000 loan he made from Mechanicks Bank, on the 14th of May, 1840, and that said Low be directed not to make such deposit in behalf of Concord Bank.

JOSHUA DARLING,  
STEPHEN AMBROSE, } Directors.  
JOHN COGSWELL,  
SAMUEL FLETCHER.

At a special meeting of the Directors of Concord Bank, holden at Concord, May 18, 1840.

*Voted*, To cancel the assignment of notes and securities made May 8th, and May 12th, 1840, to General Joseph Low, as will appear under those dates, and that said Low now delivers up to the Directors of Concord Bank, all the notes and securities named in both those assignments.

And now we, the Directors of said Bank, hereby assign and make over to Joseph Low, Esq., the following schedule of notes and securities for the purpose of indemnifying the stockholders who signed a bond at Contoocookville, on May 12, 1840, to the President, Directors and Company of the Suffolk Bank, to indemnify them for taking out of the Boston market fifty thousand dollars of Concord bills of our Bank, and when our notice was received, that said Suffolk Bank had on Friday at 11 o'clock, A. M., received \$27,100, of our money, and would thenceforward receive no more, and redeem no more of our Concord bills; and also, for to indemnify Mechanicks Bank, in Concord, for the balance of ten thousand dollars, which the said Mechanicks Bank loaned to Concord Bank, being now about nine thousand dollars, and interest to wit: we pledge as aforesaid to said Low as follows:

[Then follows a schedule of securities to the amount of \$81, 054 50.]

At a special meeting of the Directors, holden at the Bank, on the twenty-third day of May, 1840.

Present, Joshua Darling, Stephen Ambrose and John Cogswell.

Whereas, at a meeting of certain stockholders of the Concord Bank, holden at the Bank, on the 22d day of May instant, certain resolutions were passed of the import following, to wit:

1st. That the three thousand dollars deposited by Gen. Low, in the Suffolk Bank, be applied to pay the balance due from the Concord Bank to the Suffolk Bank.

2d. That debts due to the Bank on what are called stock notes, or debts due on pledge of stock, be paid in specie or bills received by the Suffolk Bank, and that Concord Bank bills be received for all other debts, including those which are pledged.

3d. That the signers of the bond to the Suffolk Bank be kept at all times secured and fully indemnified by securities or property of the bank, in, or to be put in their hands, which may be done by changing securities from time to time, and that the same be

done in regard to the securities for the benefit of the Mechanicks Bank, for what is now due to that bank.

4th. That the securities now in the hands of Joseph Low, shall be delivered over to, and be held by trustees appointed by the sureties upon the bond to the Suffolk Bank, for the benefit of said sureties, and also those securities which are pledged for the benefit of the Mechanicks Bank.

5th. That the bills of the Bank now on hand be taken and burned by the President and Directors, after having given a receipt to the Cashier for the amount thereof; and that the same be done hereafter as often as once in two weeks, and that no more bills of this Bank be issued until further orders of the stockholders.

6th. That the current money that may come into the Bank be applied equally to discharge the debts due to the Suffolk Bank and Mechanicks Bank, in proportion to the amount of those debts, until they are discharged.

7th. That the Cashier be directed by the Directors to call a meeting of the stockholders, to be held on the 15th day of June next.

Now therefore,

*Voted*, That the three thousand dollars deposited by Gen. Joseph Low, in the Suffolk Bank, be applied to the balance due from the Concord Bank to said Suffolk Bank.

*Voted*, That debts due to this Bank on stock notes, that is to say, debts due on pledge of stock, be paid in specie, or in bills current at the Suffolk Bank, and that the bills of this Bank be received for all other debts, including those which are pledged as follows.

*Voted*, That the signers of the bond to the Suffolk Bank be kept at all times secured by notes, or other property of the Concord Bank, now in, or to be placed in their hands, which may be done by changing securities from time to time, and that the same be done with the securities for indemnifying the Mechanicks Bank for the balance due said Bank, being about \$9,316.

*Voted*, That the securities now in the hands of Joseph Low be delivered to Trustees appointed by the sureties on the bond to the Suffolk Bank, to indemnify said sureties, and that the same be done with the securities for the indemnity of the Mechanicks Bank.

*Voted*, That the bills of this Bank now on hand, be burnt by the President and Directors, after having given a receipt for the

amount thereof to the Cashier, and that no more bills be issued until ordered by the stockholders.

*Voted*, That the current money which may be received by the Bank be applied equally, to discharge the debts due to the Suffolk Bank and to the Mechanicks Bank, in proportion to the amount of those debts, until they are discharged.

*Voted*, That the Cashier be directed to call a meeting of the stockholders, to be holden on the fifteenth day of June next.

*Voted*, That the note against John Leach of Boston, and others, be collected, and the amount deposited in the Suffolk Bank to the credit of the Concord Bank.

JOSHUA DARLING,  
STEPHEN AMBROSE, } Directors.  
JOHN COGSWELL.

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*Voted*, That the Cashier be directed not to pay out foreign bills in payment of any deposites, but to pay all foreign bills received, to the Suffolk Bank and Mechanicks Bank, in sums in proportion to their respective claims against Concord Bank.

JOSHUA DARLING,  
SAMUEL FLETCHER, } Directors.  
JOHN COGSWELL.

Concord Bank, May 25, 1840.

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## CONCORD BANK,

### ACT OF INCORPORATION.

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### STATE OF NEW-HAMPSHIRE.

*In the year of our Lord, one thousand eight hundred and six.*

AN ACT to incorporate sundry persons by the name of the President, Directors and Company of the Concord Bank.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court convened, That Timothy Walker, Caleb*

Stark, John Bradley, John Mills, Robert Harris, Ebenezer Peasley, Richard Ayer, William Whittle, William A. Kent, Joshua Darling, Thomas W. Thompson, Aquila Davis, John Chandler, Baruch Chase, Joseph Towne, and Joseph Clough, and their associates, and those who may hereafter associate with them in said bank, their successors and assigns, shall be, and hereby are, created and made a corporation, by the name of *the President, Directors and Company of the Concord Bank*, and shall so continue, from the first day of July next, until the expiration of twenty years next following ; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court of record having competent jurisdiction ; and also to make, use, and have, a common seal, and the same at pleasure to break, alter and renew ; and also to order, establish, and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs—provided such by-laws, ordinances, and regulations, shall in no wise be contrary to the laws and constitution of this State. And the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein described.

SEC. 2. *And be it further enacted*, That the capital stock of said bank shall consist of a sum not less than fifty thousand dollars, nor more than two hundred thousand dollars, in specie ; and shall be divided into one thousand shares ; and the stockholders, at their first meeting, shall, by a majority of votes, determine the amount of the payments to be made on each share, and the time when the same shall be made ; and also the mode of transferring and disposing of the stock and profits thereof ; which being entered in the books of said corporation, shall be binding on the stockholders, their successors, and assigns : *Provided*, That no stockholder shall be allowed to borrow at said bank until he shall have paid in his full share or proportion of said sum of fifty thousand dollars at least. And said corporation are hereby made capable in law, to have, hold, purchase and receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of ten thousand dollars, and no more, at any one time ; with power to bargain, sell, and dispose of the same lands, tenements, and hereditaments ; and to loan and negotiate their moneys and effects by discounting on banking principles, on such personal security as they shall think advisable.

SEC. 3. *And be it further enacted*, That the following rules,

limitations, and provisions, shall form and be the fundamental articles of said corporation.

*First.* That said corporation shall not issue, and have in circulation, at any one time, bills, notes, or obligations, to a greater amount than twice their stock actually paid in, in addition to the simple amount of moneys deposited in said bank for safe-keeping; and in case of any excess, the President and directors, under whose administration it shall happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable for and chargeable with such excess.

*Second.* That said corporation shall not vest, use nor improve, any of their moneys, goods, chattels, or effects, in trade or commerce; but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sums loaned.

*Third.* None but a member of said corporation, being a citizen of this State, and resident therein, shall be eligible for a Director: and the Directors shall choose one of their own number to act as President. The Cashier, before he enters on the duties of his office, shall give bonds with two sureties to the satisfaction of the Board of Directors, in a sum not less than ten thousand dollars, with condition for the faithful discharge of the duties of his office.

*Fourth.* That for the well ordering the affairs of said corporation, a meeting of the stockholders, from and after the time of the first meeting, shall be held at such place as they shall direct, on the first Monday of September annually, and at any other time during the continuance of said corporation, at such place as shall be appointed by the President and Directors for the time being, by public notification being given at least three weeks previous thereto; at which annual meeting there shall be chosen by ballot, five Directors, to continue in office the year ensuing their election; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say, for every one share, one vote; and every two shares above one share shall give a right to one vote more: *Provided,* That no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

*Fifth.* Not less than three Directors shall constitute a Board for the transaction of business, of whom the President shall al-

ways be one, except in case of sickness or necessary absence, in which case the Directors present may choose a chairman, for the time being, in his stead.

*Sixth.* No Director shall be entitled to any emolument for his services; but the stockholders may make the President such compensation as to them shall appear reasonable.

*Seventh.* All bills issued from the bank aforesaid, and signed by the President, shall be binding on said corporation.

*Eighth.* The Directors shall make half-yearly dividends of all profits, rents, premiums, and interest, of the bank aforesaid.

*Ninth.* The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the bank, with such salaries as to them shall seem meet.

*SEC. 4. And be it further enacted,* That the said bank shall be established and kept in the town of Concord.

*SEC. 5. And be it further enacted,* That the persons herein before named, or any three of them are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by giving public notice thereof at least three weeks prior to the time of meeting, in the Farmer's Cabinet, printed at Amherst, and in one of the papers printed in the county of Rockingham, for the purpose of making, ordaining and establishing such by-laws, ordinances, and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

*SEC. 6. And be it further enacted,* That any person or persons specially appointed by the Legislature of this State for the purpose, shall have a right to examine into the affairs of the bank, and at all times when the bank is open, have access to the bank books.

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## STATE OF NEW-HAMPSHIRE.

*In Senate, June 11, 1806.*

The foregoing bill having had three several readings, passed to be enacted.

Sent down for concurrence,

CLEMENT STORER, President of the Senate.

## IN THE HOUSE OF REPRESENTATIVES,

*June 17, 1806.*

The foregoing bill having been read a third time, was enacted, with the following amendment:

*And be it further enacted,* That if said corporation shall at any time hereafter divide their stock previous to the payment of all their bills, or shall refuse or neglect to pay any of their bills when presented for payment in the usual manner, the original stockholders, their successors, assigns, and the members of said corporation, shall, in their private capacities, be jointly and severally liable to the holder of any bill or bills issued by the said corporation, for the payment thereof; and any such member or members, who shall be compelled to make payment as aforesaid, shall hereby be authorized to recover of the remaining members of said corporation, their proportion of the sum or sums paid as aforesaid, to be estimated according to their respective shares in said bank incorporation.

Sent up for concurrence.

SAMUEL BELL, Speaker.

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*In Senate, June 17, 1806.*

Read and concurred.

CLEMENT STORER, President.

Approved, June 18, 1806.

JOHN LANGDON, Governor.

A true copy—Attest,

PHILIP CARRIGAIN, Secretary.

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BY-LAWS.

*Sec. 1.* All notes for discount to be offered at the bank on Mondays before five of the clock in the afternoon.

*Sec. 2.* Discounts to be made on Tuesdays.

*Sec. 3.* The Bank to be open on Mondays, from ten of the clock in the forenoon to one of the clock in the afternoon, and

from three of the clock in the afternoon to five of the clock in the afternoon: on Tuesdays, from nine of the clock in the forenoon to one of the clock in the afternoon: and on all other days, except Sundays, from ten of the clock in the forenoon to one of the clock in the afternoon.

Sec. 4. The stock of said bank is transferable only at said bank, and not without the consent of the President and Directors: transfers to be made by assignment of the scrip, attested by the Cashier, who shall keep the same, and issue new.

Sec. 5. In case of any other legal change of the ownership of said stock, the transferee or holder shall not be entitled to receive any dividend on the same, until he has secured, to the satisfaction of the Directors, the individual responsibility contemplated by the act of incorporation, for the benefit of the holders of the bills of said bank, as well as for the owners of the stock.

Sec. 6. The shares of each stockholder are pledged to the corporation as collateral security for whatever sums he may owe to said bank on his sole note, receipt, or bond, at any time before the transfer thereof is made at the bank, agreeably to these by-laws; and in case of delinquency in the payment of assessments, or in payment of the demands for which said shares are so the collateral security, the said shares, or so many of them as may be sufficient for the purpose of payment, shall be sold at public auction, giving eight days notice, by posting at the bank; and the vendee giving, if required, the security mentioned in section 5, shall receive a certificate or scrip for the shares so sold, after deducting the payments expected, and the charges, which shall in no case exceed the sum of two dollars: if there remain a balance of the proceeds, the same shall be paid to the former proprietor.

Sec. 7. Upon the payment of the first instalment, the proprietor shall receive his scrip in the following form:

Be it known, that \_\_\_\_\_ is entitled to \_\_\_\_\_ shares in the Concord Bank, numbered \_\_\_\_\_ transferable by assignment at the bank, in the presence of the Cashier, with the consent of the President and Directors; pledged as collateral security for what the said \_\_\_\_\_ may owe said bank upon his sole note, receipt, or bond, at any time before the transfer of said share as above, and liable to be sold at public auction, by posting the same eight days at the bank, not only for delinquency in the payment of assessments, but also for the payment of the sums for which the said shares are so the collateral security.

In testimony whereof, the President hath signed, and the Cashier hath countersigned, this certificate, the      day of.

A. D. 18

President.

Cashier.

On which certificate there shall be the following blank :

For value received, I the above named      do hereby assign and transfer to      of the above shares in the Concord Bank, numbered

Witness my hand, at said bank, this      day of      A. D. 18

Attest,      ——— Cashier.

I have received a certificate No. — according to the above transfer.

The Cashier shall be entitled to receive, on every new certificate, twenty-five cents, to be paid by the person to whom the same is delivered.

Sec. 8. The Directors shall adopt, for the present, such other rules and regulations as they may think proper, adhering as far as possible to the practice of other banks.

## CONCORD BANK,

### ACT OF INCORPORATION.

#### STATE OF NEW HAMPSHIRE.

{ L. S. } In the year of our Lord, eighteen hundred and twenty-four.

AN ACT in addition to an act entitled "An act to incorporate sundry persons by the name of the President, Directors and Company of the Concord Bank, approved June 18, 1806."

SEC. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said act entitled "An

act to incorporate sundry persons by the name of the President, Directors and Company of the Concord Bank," (excepting the last section thereof, which is in the form of an amendment, and so much of the remaining provisions of said act as may be inconsistent with this act) shall remain and continue to be in force for and during the term of twenty years from and after the first day of July, in the year of our Lord one thousand eight hundred and twenty-six, during which term the said corporation shall continue and shall have and enjoy all the rights, privileges, and immunities granted to it in and by said act which are not inconsistent with this act, and shall be subject to all the liabilities mentioned and provided in and by said act, not inconsistent with the provisions of this act.

SEC. 2. *And be it further enacted*, That the said corporation shall not issue and have in circulation at any one time, bills, notes, or obligations to a greater amount than the amount of the capital stock of said bank actually paid in at such time and then composing the capital stock of said bank, and in case any Cashier, Director, or other officer of said bank at any time shall knowingly issue, or order, direct or cause to be issued and put into circulation bills, notes or obligations of said bank, which together with those before issued and then in circulation, shall exceed the amount of the capital stock of said bank as aforesaid, such Cashier, Director or other officer shall forfeit and pay a sum not exceeding ten thousand dollars, and not less than one thousand dollars.

SEC. 3. *And be it further enacted*, That dividends may be made semi-annually among the stockholders of said bank, of interest or profits actually received, but no part of the capital stock of said bank shall either before or after the expiration of the time limited by this act for the continuance of said corporation be divided among or paid to the stockholders without the license of the Legislature of this State therefor, on penalty that any Cashier, Director, or other officer who shall so divide or pay the same, or order, direct, or cause the same to be done, shall therefor forfeit and pay a sum not exceeding ten thousand dollars, nor less than one thousand dollars. *Provided nevertheless*, That it shall be lawful for the stockholders after having given one year's previous notice of their intention by advertisement printed in two newspapers published in this State, and after payment of all outstanding debts due from said bank, to make a division of the capital stock among themselves and thereby dissolve said corporation.

SEC. 4. *And be it further enacted*, That the capital stock of

said bank shall, for the purposes of this act, at this time be taken and deemed to be sixty thousand dollars, being the amount of sums actually paid into said bank by the stockholders, and now composing the capital stock thereof. And said capital stock shall be taken to be a sum not less than one hundred thousand dollars after the first day of July in the year of our Lord one thousand eight hundred and twenty-six: and in case of a diminution or loss of any portion thereof by reason of bad or desperate debts due to the bank or other means whatever, it shall be the duty of the Directors in their next annual return of the condition of the said bank by law required to be made to the Governor and Council, to state the amount of such diminution or loss and the cause thereof, and after such loss or diminution, no dividend of interest or profit shall be made until such loss or diminution shall be replaced and supplied by assessments and actual payments by the stockholders or by appropriations therefor of the interest and profits actually received. *Provided nevertheless,* That the capital stock of said bank may be increased by assessments and actual payments by the stockholders to any sum not exceeding in amount the sum limited by the original act of incorporation, and such payments shall thereupon be added to said sixty thousand dollars and the amount of both sums shall constitute the capital stock.

**SEC. 5.** *And be it further enacted,* That the Legislature shall at all times have the right, by any persons duly appointed for that purpose, to examine into the state, condition, and all the doings and transactions of said corporation, and of its officers relating to the same, for which purpose all the books and papers of the corporation together with its money and securities for money, shall be exhibited and submitted to the inspection and examination of such persons so to be appointed, and each officer of said corporation shall answer on oath if required all suitable and proper interrogatories relating to the state, condition or transactions of said bank.

**SEC. 6.** *And be it further enacted,* That all penalties incurred under this act may be recovered by information or suit in the name of the State.

**SEC. 7.** *And be it further enacted,* That this act being made on the petition of the President, Directors and Company of the Concord Bank, of which Stephen Ambrose is now President, and George Kent, Cashier, the grant herein contained is made to that company only and to the stockholders therein.

## STATE OF NEW-HAMPSHIRE.

IN THE HOUSE OF REPRESENTATIVES,

*December 16, 1824.*

The foregoing bill having had three several readings passed to be enacted.

Sent up for concurrence.

**EDMUND PARKER**, Speaker pro tem.

*In Senate, December 22, 1824.*

This bill was read the third time and passed to be enacted.

**JOSIAH BARTLETT**, President.

Approved, Dec. 22, 1824.

**DAVID LAWRENCE MORRIL.**

A true copy—Attest,

**SAM'L SPARHAWK**, Secretary.

**2d REPORT****OF THE BANK COMMISSIONERS,**

IN RELATION TO

**THE CONCORD BANK.**

*To the House of Representatives :*

I herewith enclose the report of the Bank Commissioners, rel-

ative to the Concord Bank, made in pursuance of a resolve of the House of June 8th, 1840.

## JOHN PAGE.

Council Chamber, June 12, 1840.

*To His Excellency John Page.*

I hereby transmit the report and examination made pursuant to a resolution of the House of Representatives, "That His Excellency the Governor be requested to cause one of the Bank Commissioners to examine as soon as may be all the notes due the Concord Bank signed by the officers and stockholders of said Bank, or either of them, and report immediately the amount thereof, and that said Bank Commissioner be especially directed to report the date of each note, the amount thereof, by whom signed, and how secured."

From a careful re-examination of the securities of the Bank, it appears that "all the notes due the bank, signed by the officers and stockholders, or either of them," amounts to the sum of \$158,220 17 cents.

The following list of notes present a statement of their dates, amount, by whom signed and how secured, the names of the *officers* and *stockholders* being underscored.

I have reported the value of the lands and other property secured by mortgage, as the same is estimated in the respective deeds, having made no examination as to their value.

*Stephen Ambrose* 10 shares in Concord Bank.  
Notes due the bank.

	prin.	due.	int.	due.	sum	total.
<i>Stephen Ambrose</i> , note March 11, 1839, on pledge of stock	750 00		10 38		760 38	
<i>Stephen Ambrose</i> , Nath'l Ambrose and Josiah Ambrose, May 20, 1832	2000 00		508 25		2508 25	
<i>Stephen Ambrose</i> , Feb. 19, 1834	4110 75		813 58		4924 33	
<i>Ambrose &amp; Webster</i> , May 11, 1838	400 00		49 33		449 33	
<i>Stephen Ambrose</i> , Sept. 2, 1839	4100 00		174 93		4274 93	
<i>Stephen Ambrose</i> , July 11, 1839	3000 00		153 50		3153 50	
Total of <i>Stephen Ambrose</i> 's liabilities					\$16070 72	

On the above the bank have the pledge of his bank stock; also a mortgage of sundry parcels of land on the east side of Merrimack river in Concord, called in the deed worth \$3000 00; also a mort-

gage of several parcels of land on the east side of Merrimack river in Concord estimated in said deed at \$4100 00; also a mortgage deed of one moiety of 100 acres in Dorchester, Grafton county, and 30 acres on the east side of Merrimack river, both tracts estimated in the deed at \$2000 00; also a mortgage deed of three tracts of land on the east side of the Merrimack river, estimated in the deed at \$500 00; also one other mortgage deed of two acres of land on the east side of the Merrimack river in Concord, estimated in the deed at \$220 00

*George Kent*, Cashier of the bank but not a stockholder.

One note of <i>George Kent</i> , <i>William A. Kent</i> and <i>William Kent</i> , date Dec. 27, 1838, for \$5000 00, interest due, 417 50, total	\$5417 50
“ <i>George Kent</i> , Oct. 15, 1839 for \$1037 00 and interest	1037 00
“ <i>George Kent</i> , December 4, 1839, for 617 80 and interest	617 80
“ <i>George Kent</i> , April 8, 1840, for 403 60 and interest	403 60
“ <i>George Kent</i> , June 5, 1840, for 31712 61 and interest	31712 61
Total of his own liabilities	\$39,188 51

The second, third and fourth of the foregoing were handed into the bank on the last day of our previous examination and the last note for \$31,712 61 was given after its close, and is stated to have been given to the bank as the amount of the defalcation during the time that he performed the duties of cashier.

Mr. Kent has mortgaged to the bank the Judge Green farm in Concord, estimated to contain 60 acres. The one moiety of the dwelling house and land on which Moses T. Willard formerly lived, one moiety of a tract bounded south by Pleasant street and east by State street, one tract north by distillery and west by Main street, one tract bounded east by Main street and south by Warren street, one tract of eleven acres on westerly side of Washington street, the one third of two tracts of land on the east side of Merrimack river, one tract westerly of Main street 50 feet by 90, one moiety of 20 acres on east side of Merrimack river, one tract of 7 acres purchased of Laban Page, about 41 acres purchased of Stephen P. Breed, one hundred seventy acres in Bow and one other tract on town line, one moiety of 60 acres on Oak

Hill and one fourth of 137 acres on the Dark plain adjoining Soucook river, also one sixth of the township No. 4, in Oxford county in the State of Maine; all estimated in the deed at \$31,712 00 the officers of the bank estimate as worth about \$15,000 00.

Mr. Kent's other liabilities to the bank as surety and part as principal, amounts to \$83,744 30. Total as principle and surety \$122,932 81.

Notes of William Kent, not a stockholder.

William Kent, *William A. Kent*, (dead) late director and owner of 13 shares, and *George Kent*, late cashier, 3 notes of Jan. 20, 1834, principal 15,262 19, interest due 5,827 60, total, 21,089 79

William Kent, *William A. Kent* and *George Kent*, July 20, 1834, principal 5000 00, interest due 1850 00, total 6,850 00

William Kent, *George Kent* and *William A. Kent*, December 27, 1834, principal 15,000 00 interest due 1290 00, total 16,290 00

William Kent, April 25, 1840, principal 109 98 109 98

William Kent, Ledger account 70 45

Total of his own liabilities \$44,410 22

Other liabilities as surety, 7,524 97

Amount of liabilities to the bank \$51,935 19

Mr. Kent has assigned his stock of goods estimated worth \$6000, sundry notes amounting to \$10,331 90, estimated as worth \$8000 00, secured to the Bank by mortgage, his homestead and two other tracts, estimated at \$4000, the Russel farm in Bow 250 acres, estimated at \$4000 00.

Josiah Rogers, Josiah Rogers, jr., not stockholders and *George Kent*, late Cashier, note of June 22, 1835, principal 328, interest due 18 04 amount due, \$346 04

Josiah Rogers, Josiah Rogers, jr., and D. M. Head, 5 notes, March 1, 1839, on demand with interest annually, principal 23,000 00 int. due 1230 16, amount due 24,201 13

Josiah Rogers, July 15, 1837, principal 100 00, int. due 17 25, amount due 117 25

Josiah Rogers and son, Feb. 25, 1839, principal 386 45, int. due 33 04, amount due 419 49

Josiah Rogers and son, March 6, 1840, principal 100 00, int. due 1 42, amount due	101 42
Amount of Josiah Rogers and sons liabilities,	25,135 33
Amount of liabilities in the Merrimack River Lumbering Company,	38,869 15
Total amount of liabilities to the bank,	\$64,054 48
The Messrs. Rogers have conveyed to the bank by mortgage deed, a tract of land in Bow, purchased of Mark Baker; a tract of land in Bow, purchased of Philip Baker, and one homestead and other lands in Bow, the whole estimated in the deed at \$5000 00	
Also a mortgage of 734 acres in Allenstown purchased of Judge Burgin and 50 acres in Allenstown purchased of Alvin Perkins and a certain mill in Pembroke, on Suncook river, estimated at \$18,000 00;—Also a mortgage of land in Bow, purchased of George Hutchins, mills and land in Bow purchased of Thos. W. Thorndike, 57 acres in Concord, purchased by Charles Hutchins, and about 5 acres near the frog pond in Concord, estimated at \$17,000 00;—Also a mortgage of 42 acres in Manchester, and 140 acres in the northeast corner of Hopkinton, estimated at \$5,000 00.	
A note of Josiah Rogers, Josiah Rogers, jr., Lewis Downing, George Kent, late cashier, Theodore French and John Brown, dated February 12, 1839, principal, 17,000, interest 1,308 32, amount,	18,308 32
Ledger account against the same individuals,	20,560 83
Total amount,	\$38,869 15
The above named individuals have conveyed to the Bank by mortgage, township No. 4, in Oxford county, Maine, containing 24,480 acres estimated at \$30,000 00.	
Also a mortgage of all the timber cut on said township now in the Androscoggin river and lakes adjacent, estimated at \$30,000	
<i>Samuel Fletcher</i> one of the directors, 6 shares, George Hutchins and Charles Smart, a note dated	prin. int. am't.
August 31, 1835,	1120 00 182 22 1307 22
<i>Samuel Fletcher</i> , <i>George Kent</i> and <i>Asaph Evans</i> , Dec. 21, 1835,	200 00 13 37 213 37
<i>Richard Potter</i> , <i>Joseph Potter</i> and <i>Samuel Fletcher</i> , April 6, 1835,	110 00 1 17 111 17
<i>Boynton &amp; Taylor</i> , <i>Jos. Low</i> and <i>Samuel Fletcher</i> , March 2, 1840	80 00 42 80 42

John Niles, <i>Samuel Fletcher</i> and <i>Asaph Evans</i> June 12, 1837,	270 00	54 17	324 17
James Weeks, <i>Samuel Fletcher</i> , and P. Watson, Nov. 28, 1836,	80 00	6 80	86 80
E. Chickering, <i>Sam'l Fletcher</i> and William Kent, Sep. 15, 1834,	125 00	45 70	170 70
Samuel Green, <i>Sam'l Fletcher</i> and H. W. Green, Feb. 25, 1829,	134 00	3 68	137 68
Ed. Brackett, <i>James Sanborn</i> and <i>Sam'l Fletcher</i> , March 9, 1835,	636 00	159 30	795 30
<i>John Eastman</i> , stockholder, 4 shares and Jos. Eastman, Cyrus Robin- son and others, March 16, 1840,	1750 00	4 08	1754 08
<i>John Eastman</i> , stock note, March 6, 1840,	140 00	1 61	141 61
Caleb Merrill, Joshua Fifield and <i>John Eastman</i> March 12, 1840,	500 00	1 58	501 58
John L. Eastman, Rob. Eastman, <i>John Eastman</i> , March 4, 1839, in suit,	150 00	10 50	160 50
R. Eastman, <i>Stephen Ambrose</i> , <i>John Eastman</i> June 3, 1839, in suit,	225 00	11 25	236 25
<i>Jeremiah Pecker</i> , 2 shares, <i>John Eustman</i> , Rob. Eastman, June 3, 1839, in suit,	225 00	11 25	236 25
<i>Asaph Evans</i> 10 shares, stock note April 28, 1838,	750 00	94 13	844 13
<i>Asaph Evans</i> , April 8, 1837,	450 00	6 23	456 23
<i>Asaph Evans</i> , May 2, 1837,	500 00	7 50	507 50
<i>James Sanborn</i> 1 share, stock note April 19, 1833,	25 00	35	25 35
do do Jan. 8, 1837,	28 00	1 35	28 35
do do Jan. 25, 1837,	25 00	32	25 32
<i>James Sanborn</i> , Thing & Carter and Ed. Bracket, April 21, 1834 —bad	80 00	22 89	102 89
George Bracket, Ed. Bracket and <i>James Sanborn</i> , Jan. 28, 1835— bad	315 00	15 70	330 70
<i>James Sanborn</i> , E. Bracket and Charles Hoag, May 11, 1835— bad,	320 00	93 20	413 20

<i>Timo. Chandler, 2 shares stock,</i>				
Sep. 20, 1839,	50 00	75	50	75
do do Feb. 3, 1840,	40 00	60	40	60
<i>Timothy Chandler, J. B. Chandler and A. Chandler, May 28, 1838,</i>	75 00	2 98	77	98
<i>Timo. Chandler, John B. Chandler and Wm. Kent, Jan. 15, 1839,</i>	125 00	8 75	133	75
<i>Charles Hutchins, 1 share, Abel Hutchins, 3 shares, June 4, 1840,</i>	1844 06		1844	06
<i>Hosea Fesenden, Davis &amp; Neal and Charles Hutchins, June 3, 1839,</i>	154 00		154	00
<i>Thos. P. Hill, 5 shares, George Hutchins and George Kent, June 4, 1834,</i>	25 00	4 01	29	01
<i>Thos. P. Hill, stock, August 7, 1839,</i>	375 00	3 89	378	89
<i>John Greenough, 8 shares, balance exchange note,</i>			36	00
<i>Fred. Smith, John Greenough and John Cogswell, Feb. 9, 1835,</i>	40 00	4 90	44	90
<i>Henry Martin, Joseph Eastman, jr. and John Greenough, April 24, 1840,</i>	760 33		755	77
<i>Wm. M. Kimball, C. Gage, R. Johnson and John Greenough, June 27, 1836,</i>	700 00	7 30	707	30
<i>Jacob Hosmer, Stephen M. Emery and John Greenough, April 6, 1840,</i>	180 00		179	40
<i>Job Abbot, Timothy Abbot and John Greenough, April 6, 1840,</i>	100 00		99	70
<i>Rufus G. Lewis, 5 shares and Wm. M. Lewis, March 13, 1838,</i>	500 00	55 35	555	35
<i>Little Burbank, Jere. Gerrish and Abraham Burbank, Mar. 4, 1839,</i>	200 00	5 07	205	07

## STOCK NOTES.

<i>Stephen Dow 5 shares Jan. 11, 1839,</i>	500 00	5 17	505	17
<i>Moses Brown 10 do. Jan. 9, 1840,</i>	150	2 60	152	60
<i>Worcester Webster 11 do Feb. 4, 1840,</i>	150	2 60	152	60

"	"	Feb. 17, 1840,	26	23	26	23
Abel Hutchins	3 do	Dec. 3, 1839,	200	5 50	205	50
Moses Coffin, jr.	18 do	Oct. 25, 1839,	254	50	6 92	261 42
Thos. Whittle	10 do	March 11, 1839,	500	6 90	506	90
Amos Chase	2 do	March 2, 1837,	150	2 25	152	25
Sarah Rollins	2 do	Dec. 24, 1830,	135	2 02	137	02
Estate of S. Rollins	Jan. 10, 1837,		20	30	20	30
F. F. Richardson	Nov. 28, 1836,		500	6 33	506	33
	June 29, 1837,		18	67	18	67
Royal Call	5 do	Sep. 24, 1839,	50	2 07	52	07
J. O. Buswell	2 do	Sep. 19, 1839,	37	06	37	06
Thos. Potter	1 do	April 10, 1835,	20	30	20	30
D. J. Noyes	15 do	Dec. 8, 1836,	210	2 42	212	42
	Nov. 19, 1838,		100	1 38	101	38
	Oct. 3, 1838,		75	95	75	95
	Jan. 7, 1840,		30	45	30	45
Sam'l B. Tobie	11 do	Sep. 10, 1831,	216	4 32	220	32
Jer. Pecker	2 do	Jan. 5, 1835,	200	2 30	202	30
Philip Brown	37 do	May 5, 1840,	150	70	150	70
Levi Gove	3 do	Oct. 10, 1836,	225	2 60	227	60
Sophia Hill	9 do	Aug. 7, 1839,	130	6 29	136	29
M. A. Kimball	5 do	Oct. 10, 1839,	54	6 06	60	06

The officers of the Bank state that they have other demands secured by mortgage on real estate which were not exhibited.

The foregoing is believed to answer all the inquiries contemplated by the House of Representatives in their resolution.

JAMES CLARK, Bank Commissioner.

Concord, June 12, 1840.

## REPORT

### OF THE WARDEN OF THE STATE PRISON.

To the Hon. Senate,  
and House of Representatives,

I herewith communicate the Report of the Warden of the State Prison, together with a statement of its general affairs.

JOHN PAGE.

Executive Department, June 5, 1840.

*To the Honorable General Court, at their June session, 1840.*

The Warden of the State Prison asks leave to present his annual report of the condition of the institution under his immediate charge, as on the 30th day of April, 1840, inclusive, together with a statement of the affairs connected therewith, internal and external so far as is necessary to give the Legislature a correct view of the situation and circumstances relating to the affairs of the Prison.

*Liabilities of the Prison, April 30, 1839.*

Due M. C. Pillsbury for moneys advanced and interest.	3019 46
Balance of accounts due individuals,	37 10
Balance of cash account due Warden,	577 07
	3,633 63

*In favor of the Prison, April 30, 1839.*

Balance of note receivable account,	5188 07
Balance of accounts due individuals,	4681 76
Balance of inventory by former Warden,	1134 05
	11,003 88

*Liabilities of the Prison, April 30, 1840.*

Due M. C. Pillsbury, for moneys advanced and interest to date	3201 02
Due Warden balance of cash account,	814 05
Due sundry individuals,	24 54
	4,049 61

*In favor of the Prison, April 30, 1840.*

Balance of note receivable account (considered good,	2450 17
Interest due on the above to date,	394 20
Three small notes considered doubtful,	13 04
Balance of accounts due from individuals,	8540 60
Inventory of property on hand,	1263 62
	12,661 63

*1839. Cash account with the Warden of the State Prison.*

To balance of cash account due Warden, last quarter,	577 07
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July 21.	To cash paid George Porter, bill allowed by Executive,	6 25
" "	By cash received of H. M. Rolfe to balance his account,	10 05
" "	To cash paid Matthew Harvey, per receipt,	10 00
" "	To cash paid Thomas Langmaid to balance account,	4 63
		597 95
		10 05

1839.

May 1.	To cash paid Thomas and Jerome Eastman per receipt,	2 00
2. "	cash paid Quimby Dearborn and Wilson, liberated convicts,	1 50
20. "	cash paid Nathan Carr, liberated convict,	2 00
27. "	cash paid William Drew liberated convict,	3 00
" "	cash paid R. G. Cutting for molasses per bill,	1 26
June 8.	" cash paid James Moore for pumps per bill,	12 50
24. "	cash paid James M. Fuller, chaplain per bill,	8 00
July 1.	" cash paid Lyman H. Walker, watchman per bill,	24 00
8. "	cash paid Wm. Kinston, liberated convict,	2 00
10. "	cash paid David L. Morril per receipt,	2 00
" "	cash paid James Prescott & Co. per receipt,	2 00
31. By	cash received of Burley & Richardson fees for admission,	118 82
" To	cash paid James Buswell, Deputy Warden,	100 00
" "	cash paid Ezra Carter, physician,	18 75
" "	cash paid W. H. Hatch chaplain,	3 00

“ “	cash paid John Rowell watch- man,	65 57
“ “	cash paid John Goss watchman	65 57
“ “	cash paid Lyman A. Walker watchman,	12 00
“ “	cash paid Galen C. Walker, watchman,	36 00
“ “	cash paid M. C. Pillsbury to balance account (new ledger,)	59 14
“ “	cash paid interest on balance of cash account,	8 65
“ “	cash paid postage last quarter allowed by Executive,	2 00
		10 65
		—————
	New Ledger	430 94
	Old Ledger brought down,	597 95
	Balance carried to next quarter,	900 02
		—————
		\$1028 89 1028 89

*Cash account with the Warden of the State Prison.*

1839,	To balance of cash account due Warden last quarter,	900 02
Sept. 5. “	cash paid Henry Chandler to balance his account,	23
		—————
		900 25
1839.		
Aug. 2.	To cash paid H. D. Robertson, for shingles per bill,	79 06
27.	By cash received of Treasurer ap- propriation for repairs,	250 00
“	To cash paid Hazen Walker for lumber per bill,	55
31.	“ cash paid J. L. Eastman for lumber per bill,	38 29
Sept. 5.	“ cash paid Charles H. Flanders tin covering for cupola,	10 00
7.	“ cash paid James Moulton for painting per bill,	8 11
9.	“ cash paid Joseph Brown sex- ton's fees per bill,	1 58

11.	" cash paid Nath'l. A. Davis for shingles per bill,	105 78
12.	" cash paid Samuel Page, mason per bill,	4 50
13.	By cash received of Treasurer, appropriation for repairs,	150 00
"	To cash paid Porter & Rolfe for lime per bill,	3 50
"	" cash paid Ela & Flanders, advertising per bill,	3 25
14.	" cash paid Fisk & Johnson for nails per bill,	2 68
"	" cash paid J. C. Bartlett for carpenter's work per bill,	10 25
"	" cash paid D. N. Hoyt for teaming &c. per bill,	13 37
16.	" cash paid Hazen Walker for carpenter work per bill,	17 26
"	" cash paid Henry M. Moore for carpenter's work per bill,	31 63
"	" cash paid Laban Page for drilling &c. per bill,	3 09
17.	" cash paid Joseph C. Wallace, carpenter per bill,	2 92
18.	" cash paid William Kent for nails and lead per bill,	26 50
"	" cash paid Alfred Eastman extra guard,	4 08
19.	" cash paid Hall Burgin for brick per bill,	7 50
Oct. 2.	" cash paid Porter & Rolfe for shingles per bill,	6 00
15.	" cash paid Albert Herbert for shirting per bill,	3 37
"	" cash paid Henry M. Moore, carpenter per bill,	39 58
16.	" cash paid Cyrus Barton advertising per bill,	4 25
"	" cash paid Ebenezer Hall for zinc, funnel &c. per bill,	9 16
"	" cash paid Fisk & Johnson for nails and glass,	15 09

17.	"	cash paid C. C. Chase for teaming per bill,	75
	"	" cash paid Richard Herbert teaming per bill,	75
18.	"	cash paid D. N. Hoyt for horse hire,	1 25
	"	" cash paid Philip Garrigain for potatoes per bill,	18 00
	"	" cash paid Jeremiah Gerrish for potatoes per bill,	10 00
23.	"	cash paid Betsy Souther for making shirts per bill,	2 44
	"	" cash paid Joseph Graham for potatoes, per bill	5 42
24.	"	cash paid Ephraim Pickering for potatoes, per bill	35 67
	"	" cash paid Edward Langmaid, for potatoes per bill,	9 17
27.	"	cash paid Fisk & Johnson for stockings per bill,	3 00
	"	" cash paid Samuel Ames for po- tatoes per bill,	15 34
28.	"	cash paid Joel S. Ordway for potatoes per bill,	18 00
29.	"	cash paid Joseph Bachelder for potatoes per bill,	53 84
30.	"	cash paid Pecker & Lang for rye per bill,	5 25
	"	" cash paid A. Webster for meat per bill,	8 50
	"	" cash paid Joel S. Ordway for potatoes per bill,	20 00
31.	"	cash paid Fisk & Johnson for corn per bill,	6 75
	"	" cash received of Burley & Richardson, fees for admittance	60 96
	"	" cash paid James Buswell, Dep- uty Warden,	100 00
	"	" cash paid Edmund Worth, chaplain,	13 00
	"	" cash paid Ezra Carter, physi- cian,	18 75

" "	cash paid John Goss watchman to balance,	65 57
" "	cash paid John Rowell watchman to balance,	65 57
" "	cash paid Galen C. Walker, watchman to balance,	36 00
" "	cash paid Lyman A. Walker, watchman to balance,	36 00
" "	cash paid M. C. Pillsbury's bill allowed by Executive,	96 92
		<hr/>
	New Ledger	1097 27
	Old Ledger brought forward	900 25
Balance due Warden forward next quarter		1536 56
		<hr/>
		\$1997 52
		1997 52

*Cash account with the Warden of the State Prison.*

1839.	To	balance of cash due Warden from last quarter,	1536 56
Nov. 2.	"	cash paid A. Webster for beef, per bill,	17 52
"	"	cash paid E. R. Sargent for corn, per bill,	13 50
5.	By	cash received of Burley and Richardson on account,	500 00
6.	To	cash paid Pecker and Lang for rye, per bill,	1 75
8.	"	cash paid R. G. Cutting for fish, per bill,	9 55
9.	"	cash paid R. G. Cutting for corn and rye, per bill,	7 74
11.	"	cash paid A. Webster for beef, per bill,	26 80
12.	"	cash paid S. Cate for beef per bill,	6 12
13.	"	cash paid Phinehas Kimball for corn and rye, per bill,	9 40
14.	"	cash paid L. Waterman for mutton, per bill,	6 52
19.	By	cash received of S. Bullard, endorsed on note,	1500 00

	" To cash paid Wm. Locke for lime and hauling, per bill,	4 25
20.	" cash paid Joseph C. West for brooms, per bill,	1 20
21.	" cash paid R. G. Cutting for corn and rye, per bill,	5 75
23.	" cash paid Rhinehas Kimball for rye, per bill,	84
" "	cash paid Fisk & Johnson for stockings, per bill,	3 00
25.	" cash paid G. C. Walker for clo- thing for liberated convict,	4 25
" "	cash paid S. Durgin a liberated convict, per receipt,	3 00
" "	cash paid Oliver Welch, a lib- erated convict, per receipt	3 00
" "	cash paid Samuel Pease, a lib- erated convict, per receipt,	3 00
" "	cash paid Albert Webster for beef, per bill,	27 40
26.	" cash paid Pecker & Lang for rye, per bill,	1 69
29.	" cash paid John McDaniel for otter, per bill,	46
30.	" cash paid James Eastman for corn, per bill,	12 88
Dec. 2.	" cash paid Wm. Stetson for 124 sheep for slaughter, per bill,	313 77
3.	" cash paid William Kent for nails, per bill,	60
" "	cash paid I. S. Boyd for sec- ond hand clothing,	7 00
" "	cash paid R. Locke for cotton batting, per bill,	2 50
4.	" cash paid Pecker & Lang for rice, per bill,	3 30
" "	cash paid B. F. Dunklee for corn, per bill,	49 50
6.	" cash paid Joseph Bachelder for rye, per bill,	15 00
7.	" cash paid G. W. Cilley, liber- ated convict, per receipt,	3 00

Dec. 7.	To cash paid John Doland for coat for Cilley, per bill,	2 50
" "	cash paid Cyrus Hill for hat for Cilley. per bill,	50
10.	" cash paid R. G. Cutting for fish, per bill,	8 40
" "	cash paid Reuben Wyman for 10 sheep, per bill,	24 00
" "	cash paid Enoch Hoyt for rye, per bill,	20 42
" "	cash paid Nathaniel Abbot for straw, per bill,	3 25
11.	" cash paid John Doland, watch- man, for services, per bill	4 25
18.	" cash paid John Rowell for ma- king comfortables, per bill,	2 59
19.	By cash received of S. Bullard, balance on note and interest,	970 90
20.	To cash paid Wm. Stetson for sheep and cattle for slaughter,	737 36
21.	By cash received for 8 hides sold E. Blake 489 lbs. at 6 cts.	29 34
23.	" cash received for 8 tongues sold Maj. Hutchins,	2 67
25.	" cash received for 344 sheep pelts sold Moses & Merrill,	343 00
26.	To cash paid Richard Bradley for hay per bill,	3 74
27.	" cash paid Josiah Bachelder for beef cattle,	61 20
"	By cash received for 2 hides sold E. Blake 187 lbs. at 6 cts.	11 22
30.	To cash paid Pecker & Lang for salt per bill,	46 08
31.	By cash received of Burley and Richardson fees for admittance,	22 07
" "	" cash received for 2 tongues sold Maj. Hutchins,	67
1840.		
Jan. 2.	To cash paid Philip Ferrin for wood per bill,	2 40

Jan. 3.	By cash received for 1470 lb. of tallow sold Mr. Walker at 7 cts.	102 90
4.	To cash paid Fisk & Johnson for stockings, per bill,	4 50
6.	" cash paid Amos Sawyer for wood per bill,	8 94
7.	" cash paid R. Sargent for wood per bill,	4 63
" "	cash paid Amos Sawyer for wood per bill,	11 69
9.	" cash paid Reuben Goodwin, Jr. for wood per bill,	3 00
" "	cash paid Thos. Eastman for wood per bill,	2 50
11.	" cash paid Fisk & Johnson for thread per bill,	1 12
" "	cash paid E. C. Elliot for wood per bill,	2 50
13.	" cash paid Thos. Eastman for wood per bill,	2 50
14.	" cash paid James M. Clark for wood per bill,	2 50
" "	By cash received for 23 lb. of tried tallow at 10 cts.	2 30
18.	To cash paid Reuben Goodwin jr. for wood per bill,	20 00
21.	" cash paid Samuel Herbert, for wood per bill,	2 50
" "	cash paid E. T. Staniels for wood per bill,	2 25
" "	cash paid Moody Tucker for corn, per bill,	9 00
24.	" cash paid Ezra Ballard for wood per bill,	20 00
" "	cash paid John Ewer for corn per bill,	73 24
28.	" cash paid Sam'l H. Glines for rye and corn per bill,	3 25
31.	By cash received of G. Burley from persons visiting the Prison in January,	18 03

Jan. 31.	To cash paid L. C. Pillsbury Deputy Warden to balance account	100 00
" "	cash paid Ezra Carter, physician, to balance his account,	18 75
" "	cash paid Edmund Worth chaplain, to balance his account,	13 00
" "	cash paid John M. Weare, overseer, to balance his account,	50 00
" "	cash paid Galen C. Walker, overseer, to balance his account,	44 00
" "	cash paid John Goss overseer, to balance his account,	73 57
" "	cash paid John Rowell watchman to balance his account,	65 57
" "	cash paid Lyman A. Walker, watchman to balance his account,	36 00
" "	cash paid Alfred Eastman watchman, to balance his account,	24 00
" "	cash paid John C. Cogswell, watchman, to balance his account,	19 75
" "	cash paid M. C. Pillsbury's bill allowed by Executive,	100 48
" "	cash paid interest and postage bill allowed by Executive,	23 54
		3759 32
	Balance due Warden carried to next quarter,	3503 10
		256 22
		3759 32
		3759 32

*Cash account with the Warden of the State Prison.*

1840.	To balance of cash due Warden from last quarter,	256 22
Feb. 25.	" cash paid Shadrach Seavey to balance his account,	1 08
April 30.	By cash received and endorsed on note signed David Tenney,	2 67
	From old Ledger carried forward	\$257 30
		2 67

1840.

Feb. 3.	To cash paid David Blodget for brooms per receipt,	2 00
" "	cash paid Pecker and Lang for paper per bill,	1 00
4.	" cash paid Ebenezer Hall for iron spoons per bill,	3 00
15.	" cash paid L. C. Pilsbury for clothes for liberated convicts,	3 00
" "	cash paid James Buswell for clothes for liberated convicts,	2 00
" "	cash paid Alfred Eastman for clothes for liberated convicts,	4 00
" "	cash paid John Shirlock a liberated convict,	3 00
March 30.	" cash paid John George appraiser per bill,	6 00
April 1.	" cash paid Zenas Clement appraiser per bill,	6 00
10.	" cash paid Samuel Prescott liberated convict,	2 00
13.	" cash paid Alvin Nason liberated convict,	1 00
1.	By cash received for rent of pew by the Warden,	10 00
24.	To cash paid Henry M. Moore (carpenter) per bill,	3 16
"	By cash received of Treasurer, on account of repairs,	65 19
"	To cash paid Lyman A. Walker for clothing for Nason,	3 50
30.	By cash received for two hats sold G. Burley for liberated convicts,	1 00
" "	cash received for old stage pole sold, 1s 6d,	25
"	To cash paid Warden, interest allowed by Executive,	15 00
" "	cash paid postage for quarter ending this day,	2 00
"	By cash received of G. Burley, fees from visitors this quarter,	41 75

April 30. To cash paid L. C. Pilsbury, deputy Warden to balance his account,		
" " cash paid Ezra Carter, physician to balance his account,	100 00	
" " cash paid Edmund Worth, chaplain, to balance his account,	18 75	
" " cash paid J. C. Cogswell, watchman, to balance his account,	13 00	
" " cash paid Alfred Eastman, watchman, to balance his account,	13 20	
" " cash paid Benjamin F. Kaim, watchman, to balance his account,	24 00	
" " cash paid Abiel H. Carter, watchman, to balance his account,	22 80	
" " cash paid John Goss watchman to balance his account,	12 00	
" " cash paid John Rowell watchman, to balance his account,	64 93	
" " cash paid Galen C. Walker, overseer, to balance his account,	64 93	
" " cash paid Lyman A. Walker overseer, to balance his account,	48 00	
" " cash paid John M. Ware, overseer, to balance his account,	48 00	
" " cash paid M. C. Pilsbury, bill allowed by Executive,	75 00	
" " cash paid Peter Renton for professional services,	125 34	
	1 00	
New Ledger	687 61	118 19
From old Ledger brought forward,	257 30	2 67
Balance of cash due Warden to new account,	824 05	
	944 91	944 91

*Balances due individuals.*

To Nathaniel Eastman	1 74	Brought forward	15 37
" Martin L. Durgin	1 33	To James Woolson	84
" Eben. Fisk	25	" Gordon Burley	7 73
" Benja. Swett	30	" Nathan Chandler	60
" John Wallace	9		—
" James Eastman	1 56		24 54
" Samuel P. Hoit	75	To Moses C. Pilsbury	3,201 02
" James Kenrick	72	" Warden balance	
" Robert E. Pecker	8 63	of cash account	824 85
Carried forward	15 37	Total amt. owing	\$4,049 61

*Balance of personal accounts, April 30th, 1840.*

Zachariah Arlin	2 42	Amount bro't forward	450 38
John D. Abbot	12 72	Thomas Coffin	2 50
Kimball & Pecker	8 86	Hiram Simpson	1 25
Josiah Perkins	4 50	George B. Redington	3 50
John M. Brodhead	4 50	Levi Locke	1 50
S. B. Marden	24 50	Francis H. Watson	1 83
Seth Robinson	3 25	Frederick Elliot	1 59
Elbridge Perkins	5 56	Daniel Smith	3 00
Philip B. Grant	1 00	Paul F. Gerrish	6 00
Aaron Carter	76	David Simonds	6 00
Charles C. Hodgdon	2 70	Joseph Gass	3 81
Barnard Hoyt	1 75	E. Underwood & Co.	10 41
John Wheeler	3 14	Thompson & Lapham,	
Chandler E. Potter	1 25	consignees,	188 30
Amos Whittemore	8 70	Burley & Richardson	3,088 25
Abner P. Stinson	360 77	Gordon Burley	4,772 28
Erastus Simpson	4 00		—
		Total amt. due on ac't	\$8,540 60
	\$450 38		

*Notes Receivable.*

Names.	dolls. cts.
Lewis Downing,	2 74
Gordon Burley,	2,400 00
David Tenny, Exec.	47 33

10 110 10 110 Considered good, 2,450 17

N. Ambrose,	9 40
A. S. Rowell	2 39
Ezra Hoit	1 25
	— 13 04
Interest on Burley & Tenny's note due	394 20
Total am't of notes and interest as above due,	2,857 41
"    am't of accounts due the Prison,	8,540 60
"    am't of inventory,	1,263 62
	—
	\$21,661 63
Owing due to individuals	4,049 61
	—
In favor of the Prison,	\$8,612 02

*Invoice of property, April 30, 1840.*

30 1-2 yds. of kersey at 40 cts.	12 20
1-2 yd. ticking, 10 cts. 2 prs book binder's shears, \$8	8 10
1 book binder's hammer,	1 50
1-2 doz. razors \$1. 2 1-4 lbs. vermillion \$2 02	3 02
1 press \$2. small chest 25 cts.	2 25
2 chisels 12 cts. 5 saws for iron 83 cts.	95
box of nails 17 cts. pulleys 25 cts. cooper's axe 50 cts.	92
9 shaves \$9. 1 crooked shave 50 cts.	9 50
frow 75 cts. lot of harness \$3,	3 75
long whiffle tree,	1 25
stone roller,	15 00
trunk, with account books,	50
small trunk \$1 25, wood saw 34 cts.	1 59
stone sink \$3, linen wheel 50 cts.	3 50
peddler's box \$3, two bunks \$4,	7 00
ladder 50 cts. map of Lowell 50 cts.	1 00
1 flower pot 50 cts. 1 box 34 cts.	84
reed, harness, spools and reels, (old)	3 00
stamp N. H. S. P.	50
1 desk 20 cts. 1 table 50 cts.	70
door handle and spring, and window spring,	1 07
13 old hats at 3s.	6 50
22 lbs. of woollen yarn (damaged)	14 34
12 lbs. of cotton yarn, "	5 00
122 lbs. of fulling mill crank,	20 00
2 old barrels \$1 50, flax comb \$1 00,	2 50

1026 lbs. old steel and iron,	61	56
279 lbs. of old axletrees at 3 cts.	8	37
1 pew in North meeting house,	70	
1 head stone for grave,	4	
639 lbs. of castings for rollers,	35	14
2 pieces of stone fitted for scales,	10	
248 lbs. of pipe boxes, at 6 cts.	14	88
86 lbs. of cast boxes, at 4 cts.	3	44
107 lbs. of old funnel,	5	35
6 wheels with iron axletrees,		50
stone posts, ashler, and steps, 813 ft. 3 in. at 1s-6d	203	31
amount of shoemaker's tools,	213	84
2 moulding caps \$4. 3 small mill stones, \$22 50	26	50
12 1-2 feet plain belting,	5	00
135 feet of moulded belting,	135	00
stone (said to be) in Albany,	92	00
2 parlor stoves (in use,)	34	00
7 boilers set for cooking, washing, &c.	39	00
1 gun \$5. 1 cutlass \$3,	8	00
account books, (old)	25	00
screws returned, P. Elkins, consignment,	22	00
2 short whiffle trees 1 50, bass viol \$5,	6	50
<hr/>		
From late Warden, (his valuation)	1,149	87
Articles returned by contractor,	113	75
<hr/>		
Whole amount of inventory,	1,263	62

## A TABULAR VIEW

*Of the whole number of convicts now in prison, discharged, escaped or died from 1812, to this date.*

A. D.	In Prison.	Committed.	Discharged.	Pardoned.	Escaped.	Died.	Recommitted.
1812	1	1					
1813	12	11					
1814	22	14	4				
1815	23	13	5	2		5	
1816	48	31	5	1			
1817	59	29	13	3	1	1	
1818	69	26	16				
1819	62	17	20	1		2	1
1820	61	18	15	2		2	1
1821	65	23	15	2		2	
1822	57	16	19	2		3	1
1823	66	26	11	5		1	1
1824	62	19	17	5		1	
1825	66	24	13	3	2	2	1
1826	59	13	15	4		1	
1827	48	12	14	7		2	2
1828	56	20	8	4			
1829	50	11	9	7		1	
1830	68	31	9	4			
1831	81	24	8	3			2
1832	82	19	10	6	1	1	5
1833	81	16	8	9			
1834	79	13	4	11			
1835	78	23	6	16	2		1
1836	86	21	8	4		1	1
1837	72	12	15	10		1	1
1838	70	5	4	3			
1839	73	30	10	15		2	1
1840	78	24	4	14		1	2
	542	285	143	13	23	23	

In confinement, April 30, 1340.

*List of Convicts, of discharged, pardoned or died, during the year ending April 30, 1840.*

*Number of Prisoners sent during the past year from the following Counties.*

Grafton	1	Brought forward	16
Coos	1	Rockingham	4
Strafford	7	Merrimack	3
Hillsborough	7	Sullivan	1
Carried forward	16		24

*Crimes of those now in confinement.*

Stealing	26	Brought forward	62
Store breaking	5	Forgery	2
Horse stealing	10	Incest	1
House breaking	1	Assault with intent to kill	3
Arson	3	Manslaughter	1
Sheep stealing	4	Stealing cow	1
Attempt at rape	2	Burglary	8
Stealing oxen	1		
Carried forward	62		Total 78

*Term of Sentences.*

Under sentence for life	7	Brought forward	18
" " 22 years	1	Under sentence for 6 years	6
" " 15 "	1	" " " " 5 "	16
" " 10 "	3	" " " " 4 "	14
" " 9 "	1	" " " " 3 "	19
" " 8 "	2	" " " " 2 "	3
" " 7 "	3	" " " " 1 "	2
Carried forward	18	Total in confinement	78

*Ages when committed.*

Under 15 years of age	1	Brought forward	64
From 15 to 20 years	12	From 40 to 50 years	9
" 20 to 30 "	38	" 50 to 60 "	2
" 30 to 40 "	13	Upwards of 60 "	3
Carried forward	64		78

*Natives of the following States:*

New Hampshire	49	Brought forward	74
Massachusetts	13	Connecticut	1
Maine	7	Pennsylvania	1
Vermont	5	Foreigners	2
Carried forward	74		78

It will be seen by the foregoing statement there is a considerable amount due this Institution from individuals, that it may be more distinctly understood—the following in explanation is presented. There is due on the old contract of Burley & Richardson on account, \$3,088 25, on or about the 25th of January 1840, I handed the bondsmen to that contract, a transcript of the whole transactions and demanded payment thereof—with the exception however of \$40 03, which has since been added thereto, being Interest on the balance then claimed up to April 30th, 1840. A portion is also in the hands of the Sheriff. At our Court of common Pleas holden at Concord, in and for the County of Merrimack, on the 3d Tuesday of March 1839, we obtained Execution in favor of the State, against the said Burley on a Note the original amount of which was \$2400 00, dated July 12th, 1837, and that part of the account which was then due being \$1779 67. Execution obtained including costs is \$4534 99, the Note above alluded to is the same as brought to view in this statement under the head of Note receivable account, signed Gordon Burley, taken by the Executive about the time of my entering upon the duties of my present term of office as Warden. On the fourth day of May 1839, property attached was sold by the Deputy Sheriff and four months time given for payment of the purchases thereof, and although the said Deputy Sheriff had often been requested to pay, yet he neglected so to do with the exception of \$500 00, which was paid on the 5th day of October last, and carried to the credit of the said Burley & Richardson on account. At the last term of our Court of common Pleas, holden at Concord, in and for the County of Merrimack, on the 3d Tuesday of March 1840. A suit against the Sheriff of said County was instituted in the premises, and as I understand, the defendant obtained a continuance. I would further remark that the above mentioned Note for \$2400 00, was partially secured by Mortgage of property in the Prison yard and which has been since and still is in use for the said Burley, con-

sequently becoming less in value. Another portion of the debts, as in the foregoing statement is due from Gordon Burley which has accrued since January 1st 1840, at which time his new contract commenced with new bonds, which amounts to \$4772 28, a part of which sum is for articles apprised to him, and is to be returned again in kind, at the expiration of this last contract, amounting as per Inventory, to the sum of \$2608 54, leaving a balance of debt from that concern of \$2163 74 due. A transcript of the account has been presented to him and also to his principal Bondsmen and payment demanded. It will also be seen that the Note Receivable account has been somewhat diminished since the last annual Report while the amount of accounts in the same time have proportionably increased the most of which is in consequence of transferring the sum of \$2608 54 from that of Note receivable to Gordon Burley on account as Contractor and a further sum of \$113 75 from the same will now be found under the head of Inventory, the two put together make the amount as it appeared in the last Report as Notes being \$2,722 29 and which was in fact an appraisal of property but carried in to the Note receivable account by the late Warden.

At the June session 1839, a resolution was passed and approved making an appropriation of \$1000, for the purpose of repairing the Warden's House, old Prison, work shops, and the walk &c. upon the top of the wall around the yard of the Prison, of which sum there has been drawn from the Treasury by orders from his Excellency the Governor, \$465 19, and expended in repairing the top of the Dwelling House, old Prison, and the long Shop, in the yard, in consequence of the uncommon difficulty in getting into the woods for timber by reason of the deep snows an extra price was demanded therefor—the Executive board advised to defer for another season the necessary repairs on the top of the wall and there remains the sum of \$534 81 of that appropriation undrawn and which will be necessary to accomplish the object for which it was originally appropriated.

The Honorable Legislature at their last session passed a Resolution authorising the Governor to draw on the Treasurer for the sum of \$5000 in such sums and at such times as he might think necessary to enable the Warden to conduct the affairs of the Prison after the then existing contract should expire. In consequence of the extending for one year from and after the first day of January 1840, to Gordon Burley a contract on the same principles of the former one, no part of that appropriation has been drawn.

We have for the most part of the year which has now just closed enjoyed among the inmates an unusual degree of health, and notwithstanding we have had many evils to encounter by reason of the peculiar situation and circumstances, in which we have been placed, yet through the interposition, of a kind Providence, we have been saved from any considerable outbreakings of a serious nature, from those who have while abroad in the world depridated upon the persons, and property, of out citizens, and are by the laws of the State placed here in durance. On the first day of December last however we commenced under circumstances more in accordance with my views of government and the results thus far I think more satisfactory to the contractor, and all concerned, and the discipline in a great measure restored. Although I think this method of contracting which has been here pursued has in its tendency a baneful influence, and will take time to eradicate all the evils resulting from it, and in my humble opinion the sooner an end is put to it the better. I can see no good reason without some unforseen occurrence should take place, beyond the control of man, why the State should suffer pecuniary loss, by conducting the affairs of the Institution, for and in behalf of the State, (whose legitimate child it is) but if this should be the case, there is a higher and more noble object in view of every good citizen, namely the reformation of these offenders and sure I am, the system we here condemn cuts of all hopes by throwing obstacles in the way of using the appointed means, however perhaps I have already said enough and if I have said too much the good of the Institution has prompted me to be thus free, it is therefore hoped it may be excused. In concluding my remarks to the Honorable Legislature now convened by whom (as the law now is) some one is to be elected to preside over the more immediate concerns of this Institution, I beg leave to say for myself I wish not to be a candidate.

All of which is most respectfully submitted.

MOSES C. PILSBURY, Warden.

New Hampshire State Prison, }  
Concord, June 4, 1840. }

# REPORT

## OF THE COMMITTEE ON ELECTIONS.

The committee on Elections, to whom were referred the certificates of members returned to serve in this House, have had the certificate of the election of Thomas Smith, a member returned from the town of Carroll in the county of Coos, under consideration, and find the following to be a statement of facts:

It was in evidence before the committee that, by a resolve of the Legislature, passed July 1, 1831, the town of Dalton, and a place then called Bretton Woods were classed for the purpose of electing a representative, and the inhabitants thereof were authorized to elect and send a representative to the General Court until the Legislature should otherwise order—that by an act of the Legislature passed June 22, A. D. 1832, all that tract of land known by the name of Bretton Woods, was incorporated by the name of Carroll—that said Dalton and Bretton Woods (now Carroll) have, ever since they were classed in 1831, been represented in the General Court by a representative chosen by the inhabitants of both places, until this present session—that on the second Tuesday of March, 1840, the inhabitants of said town of Dalton, amounting to the number of one hundred and fifty-four rateable polls, at a meeting duly holden for that purpose, elected and duly returned a representative to represent them in this House, and who now has a seat therein—that prior to said second Tuesday of March 1840, the town of Dalton notified the town of Carroll that they had the constitutional number of rateable polls to entitle them to a representative in the General Court, and that they, themselves, should, at the then next election, proceed to elect a representative.

It was further in evidence before your committee, that on the said second Tuesday of March, 1840, the inhabitants of said town of Carroll, amounting to the number of forty-nine rateable polls, at a meeting duly holden for that purpose, elected Thomas Smith as a member of this House, and returned him to represent them therein.

Upon the foregoing facts, the committee have directed me to report the following resolution :

IRA ST. CLAIR,  
for the committee.

*Resolved*, That Thomas Smith, of Carroll, is entitled to a seat in this House, as a member thereof.

## REPORT

### OF THE COMMITTEE ON THE TREASURER'S ACCOUNT.

The joint committee appointed to audit the accounts of the Treasurer of this State, reported that they have carefully examined the following accounts from June 5th, 1839 to June 1st, 1840.

1. A bond due the State, signed by Jasper Elkins and others dated August 1st, 1830, principal,	\$307 00
Cancelled by balance due on said bond, (interest excepted,)	307 00
2. An account of stock in the N. H. Bank,	\$10,000 00
By twenty shares in said Bank,	10,000 00
3. A general cash account, embracing the following items of credit to wit :	
Balance of cash in the Treasury, as found by the committee on settlement with the Treasurer, June 5th, 1839,	\$10,990 44
Cash borrowed of Mechanics Bank, Concord,	25,000 00
Cash dividend on stock in the N. H. Bank,	875 00
Cash for State tax, 1838,	580 60
"    "    " 1839,	58,395 14
Cash of Josiah Stevens, jr. for civil commissions,	480 00
Amounting to	\$96,321 18

Which is accounted for as follows, viz :

Paid sundry orders for salaries of Governor, Judges of Superior Court, Court of Common Pleas, Judges and Registers of Probate, Attorney General, Secretary, Treasurer and Warden of the State Prison,	\$16,839 08
Paid travel and attendance of the members of the Council at their several sessions, the Senate and House of Representatives, June session 1839,	20,183 40
Paid cash borrowed of Mechanicks Bank,	25,000 00
Paid interest on above,	625 04
Paid appropriation for State Prison,	465 19
Paid military appropriation,	1,040 00
Paid appropriation for deaf and dumb	1,300 00
"    "    " blind	831 25
Paid bounties on wolves, bears, wildcats and foxes,	1,973 50
Paid appropriation for Geological survey,	650 00
Paid committee to investigate the affairs of State Prison,	355 75
Paid sundry orders drawn by the Executive, not included in the above account,	5,065 79
	<hr/>
Balance in the Treasury June 1st, 1840,	\$74,329 00
	<hr/>
	21,992 18
	<hr/>
	96,321 18

All which are correctly cast and duly vouch'd,

JOHN COMERFORD,  
NATHANIEL BRUCE,  
AMASA COPP,  
WM. P. WEEKS.

## TREASURER'S ESTIMATE.

*An estimate of the probable receipts and disbursements at the Treasury, from June 1, 1840, to December 1, 1840.*

### RECEIPTS.

Cash balance in the Treasury, June 1, 1840,      \$22,992 18

## DISBURSEMENTS.

For salaries of Governor, Secretary, Treasurer, Adjutant General, Judges of the Courts, Judges and Registers of Probate, and Attorney General,	9,600 00
Commissary General's department,	225 00
Attendance and travel rolls of the Hon. Council, Senate, and House of Representatives, the pre- sent session, including compensation to clerks and doorkeepers,	14,000 00
For incidental expenses of the session, including printer's accounts for publishing laws, and jour- nals, and pay of clerks for copying,	1,800 00
Expenses of Courts Martial,	400 00
Appropriations for Adjutant General's department,	1,200 00
Appropriation for deaf, dumb and blind,	2,000 00
For bounties on wolves and other animals,	2,000 00
Session of Hon. Council,	125 00
For Geological Survey of the State,	2,000 00
For contingencies,	2,500 00
	35,850 00
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Respectfully submitted,  
ZENAS CLEMENT, Treasurer.

State of New Hampshire,  
Treasury Office, June 15, 1840. }

## REPORT

OF COMMITTEE ON ROADS, BRIDGES AND CA-  
NALs, IN RELATION TO THE BOSTON AND  
MAINE RAIL ROAD.

The committee on Roads, Bridges and Canals, to which was referred the annual report of the directors of the Boston and

Maine Rail Road for 1840, having examined the same, report that said report is signed by Hobart Clark, Geo. W. Kittredge, Geo. W. Gordon, Chas. S. Storrow and Francis Cogswell as Directors of said Rail Road, and by them sworn to be true to the best of their knowledge and belief. The report contains the following statement: "The owners of land over which the road has been constructed, are in general, friendly to the undertaking. Their damages have been settled, with a few exceptions, on reasonable terms." The committee were satisfied, from evidence laid before them, that the above statement of the Directors will only apply to nine miles of the road. With regard to the remaining four and one half miles, the committee are satisfied by petitions from citizens of the towns through which the road passes, and from other evidence before them, that the above statement, that "the owners of land over which the road has been constructed" "have been settled" with, "with a few exceptions" for the damages sustained by them, is not true; and the committee regret to say, that this portion of the report, it is believed, was intended to deceive the Legislature.

The committee have directed me to report the following resolution:

T. P. TREADWELL,  
for the committee.

*Resolved*, That the report of the Directors of the Boston and Maine Rail Road be placed on file in the office of the Secretary of State.



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